THE

DEBATE

ON THE

ROHILLA WAR,

IN THE

HOUSE OF COMMONS,

On the 1st and 2d JUNE, 1786.

LONDON:

PRINTED FOR JOHN STOCKDALE, OPPOSITE BURLINGTON-HOUSE, PICCADILLY.

Monday, June 1, 1786.

DEBATE ON THE CHARGES BROUGHT AGAINST WARREN HASTINGS, ESQ. BY THE RIGHT HONOURABLE EDMUND BURKE, ESQ.

MR. *Francis* roſe previous to the Houſe's reſolving itſelf into a Committee, and deſired that the letters of Warren Haſtings, Eſq. and Mr. Middleton, to the Court of Directors of the Eaſt India Company, in anſwer to the letter ſent to each of them by the Aſſiſtant Secretary of the India Houſe (copies of which had been the day before preſented in compliance with an order of the Houſe), might be read. The ſame were read accordingly. The letters from Mr. Haſtings ſtated, that he had many years ſince delivered up copies of his official correſpondence with Mr. Middleton, when reſident at the Court of the Vizier of Oude, and alſo ſuch parts of his private correſpondence as related to public buſineſs. The letter from Mr. Middleton ſtated, that he had many years ſince delivered up every letter ſent him by Mr. Haſtings, and every copy of his own letters to Mr. Haſtings, who had peremptorily demanded them of him; and that conſequently he had it not in his power to comply with the orders of the Court of Directors ſent him laſt week. Mr. Francis

Mr. *Francis* ſaid, he wiſhed to have theſe letters read, as he deſired to take that opportunity of declaring that he ſhould not preſs Mr. Haſtings any farther for a copy of the correſpondence in queſtion, Mr. Haſtings having, in his opinion, by a very unjuſtifiable act, put it out of the power of any perſon, of any authority whatever, to procure a complete copy of the whole of the correſpondence; and Mr. Middleton having, in conſequence of the Governor General's peremptory order, delivered up the original letters of Mr. Haſtings, and the copies of his own letters, which he ought not to have

done, as it put it out of the power of that Houſe, or the Court of Directors, to be ſure, that, if they were furniſhed with any copy by Mr. Haſtings, it was a complete copy of the whole correſpondence. Mr. Francis reaſoned upon the circumſtance; and ſaid, it had a very odd and ſuſpicious appearance, becauſe the reaſon aſſigned for ſuch conduct by Mr. Haſtings told in his mind the oppoſite way, viz. that he had aſſured Mr. Middleton, when he appointed him Reſident at Oude, that nothing he communicated by letter ſhould ever afterwards operate to his diſadvantage and inconvenience. In conformity to this agreement, Mr. Francis ſaid, the natural way to have ſecured Mr. Middleton would have been for Mr. Haſtings to have delivered all Mr. Middleton's letters back to him, and not, as he had done, to have taken his own letters from Mr. Middleton, thereby ſecuring himſelf, and leaving Mr. Middleton at his mercy.

Major Scott

Major *Scott* deſired the Honourable Gentleman would not continue to make a myſtery of a matter as plain as the ſun at noon-day. The Honourable Gentleman knew where the correſpondence was to be had: why did he not apply for it, and not deal in dark inſinuation where facts could be aſcertained? He appealed to the Honourable Gentleman's candour, whether Mr. Middleton had not himſelf told him, that every part of the correſpondence between him and Mr. Haſtings had been delivered in to the Court of Directors?

Mr. Vanſittart.

Mr. *Vanſittart* aſked, if Mr. Haſtings had not offered to ſhew the whole of the correſpondence to the Council as private gentlemen, though he did not chuſe it to appear on their minutes?

Mr. Francis

Mr. *Francis* declared moſt ſolemnly, that the Council had applied to Mr. Haſtings in their public characters, and as private gentlemen, and earneſtly entreated him to ſhew them the correſpondence, but that he peremptorily refuſed.

The Honourable Gentleman ſaid, he believed the part of the correſpondence that had been kept back, to contain much

and

and very important matter; and as to inſinuation, he had made uſe of none. He had moved to have the letters read; and he gave up all further ideas of preſſing for a copy of the whole correſpondence, becauſe he knew not how he could with regularity move to get at it.

The order of the day being read for the Houſe to reſolve itſelf into a Committee, the Speaker left the chair, and Mr. St. Andrew Saint John took his ſeat at the table.

Mr. *Burke* then begged a pauſe of a few minutes, wiſhing, as well on account of the importance of the matter to be moved, as on account of the great magnitude of the ſubject, to have the Houſe as full as poſſible before he began what he had to ſay to the Committee reſpecting the firſt Charge. Mr. Burke.

After a very ſhort delay, Mr. Burke was called to, who roſe immediately to comply with the wiſhes of the Houſe. He began with a ſolemn invocation of the juſtice of that Houſe, which he ſaid was particularly due to the ſubject, as well becauſe the national credit and character were deeply involved and implicated in the iſſue of the buſineſs about to be brought before them, as for the ſake of their own honour and dignity. He deſcribed in glowing colours the preciſe queſtion to be decided, declaring emphatically that it was an appeal to Britiſh juſtice from Britiſh power! The Charge, he ſaid, contained matter which muſt either be criminal, or it muſt be a very falſe accuſation. There was no medium, no alternative. The reſult muſt be, that Warren Haſtings, Eſq. had been guilty of groſs, enormous, and flagitious crimes; or that he was a baſe, calumniatory, wicked and malicious accuſer. He enlarged upon the degree of guilt aſcribeable to that man, who ſhould dare preſume to take up the time of the Houſe, by raſhly coming forward and urging groundleſs and ill-founded Charges againſt a perſon who had been entruſted with high and exalted offices in the Government of a part of our territories much larger and more extenſive than the whole Iſland of Great Britain. For any private man to ſuggeſt ſuch Charges would be to be guilty of a ſcandalous libel; and for any man,

while under colour of authority, to hurl the thunders of Parliamentary vengeance at the head of an innocent individual, would be ſuch an abuſe of power as would not fail to rouſe the juſtice and call down the puniſhment of that Houſe. There were, he ſaid, but three motives which were known to actuate men and incite them to turn accuſers, viz. ignorance, inadvertency, and paſſion. By neither of theſe three had he been actuated: ignorance he could not plead, becauſe he knew the ſubject as fully as the labour and ſtudy of five years could make him know it. Inadvertency, as little could he be charged with, becauſe he had deliberately proceeded and examined every ſtep he took in the buſineſs with the moſt minute and cautious attention; and leaſt of all could it be ſaid with any colour of truth, that he had been actuated by paſſion. Anger indeed he had felt, but ſurely not a blameable anger; for who ever heard of an enquiring anger, a digeſting anger, a collating anger, an examining anger, a deliberating anger, or a ſelecting anger? The anger he felt was an uniform, ſteady, publick anger, but not a private anger. That anger that five years ago warmed his breaſt, he felt preciſely now. He was, in reſpect to the Britiſh Government in India, exactly in the ſame ſituation that he had ſtood in, when he firſt took it up. Not all the various occurrences of the laſt five years, neither five changes of adminiſtration, nor the retirement of ſummer, nor the occupation of winter, neither his public nor his private avocations, nor the ſnow which in that period had ſo plentifully ſhowered on his head, had been able to cool that anger, which he acknowledged to feel as a public man, but which, as a private individual, he had never felt one moment.

Having ſtated this very fully, Mr. Burke ſaid, the queſtion he was going to ſubmit to their conſideration was not a perſonal conteſt; it was a national and an imperial queſtion, and not a trifling municipal regulation. It involved in it the honour of the country, and more particularly the honour and the juſtice of that Houſe. They ſtood pledged by a reſolution of a former day to bring it forward. Let not their honour be tarniſhed,

tarniſhed, but let their character be ſafe, and let it be ſaid, with reſpect to its juſtice, *eſto perpetua*, whatever might become of him! He begged the Houſe would not regard the matter as a matter of party. There were no parties concerned in it, except the injured, the oppreſſor, and the accuſer. It became their immediate duty to conſider it in thoſe three points of view. With regard to himſelf, he called upon the juſtice, the honour, the dignity of Parliament, to denounce their utmoſt vengeance on his head as the accuſer, ſhould it be found that he had dared to triſle with the ſacred character of the Britiſh Legiſlature. ———He had made up his mind completely upon the ſubject, and was ready and prepared to ſubmit himſelf to the ſevereſt puniſhment of that Houſe, if it did not turn out, that he had not wantonly and raſhly preferred a groundleſs charge. Should it be their opinion, that he had idly ſported with their time and with the character of the Governor General, he did aſſure the Houſe he would not reſiſt their vengeance; being once turned out at the door he would not attempt to force himſelf in at the window, as other men had done. But, in fact, what they had to vote that day was not the caſe of Mr. Haſtings: Mr. Haſtings was out of the queſtion; a matter of much higher import called for their deciſion. They were to vote a ſet of maxims and principles to be the guide and rule of future Governors in India; what they determined, therefore, would decide the world as to their opinion of Britiſh juſtice and Britiſh policy. The code of political principles of Government, they ſhould that day eſtabliſh as the principles of Britiſh Government in its diſtant provinces, would ſtand recorded as a laſting proof of their wiſdom and juſtice, or as a teſt of their injuſtice and folly. Lord Cornwallis, who was now going out with great additional powers to India, would learn from the deciſion of that day what the ſyſtem of Government was, and what the principles were, as the baſis of that ſyſtem that the Houſe approved. The diſtant dependencies had put their ſword into the hand

of Britain; be it then their buſineſs to hold it as the ſword of juſtice, and not to turn it againſt the natives of India, and uſe it as the ſword of vengeance, cruelty, and murder! Having warmly declaimed for ſome time in this ſtyle, he alluded to the mode adopted by Rome as to the Government of her diſtant provinces, ſo long as a ſpark of patriotiſm and public virtue remained in her boſom. The Roman Empire, he ſaid, was an Empire of continuity, each province either being immediately acceſſible by land, or nearly ſo: they had likewiſe one general tongue to ſpeak with, ſo that each man was able to tell his tale in his own way. This common tongue was Greek, which with ſome of their own jargons conſtituted all their language; ſo that they in a manner realized the miraculous gift of tongues. They had another advantage, rather a melancholy one, as it aroſe from the very circumſtance of their being conquered; and it was that the principal perſons who accompliſhed the conqueſt always acquired a property and influence in each new province by them ſubdued, and of courſe the vanquiſhed found patrons and protectors in the perſons of their conquerors. Each province was alſo conſidered as a body corporate, and conſequently each province was enabled to ſend their grievances to Rome collectively, and to ſtate them as ſpeaking with one mouth.

Mr. Burke enlarged upon theſe ideas, and ſpoke of the noble character of an accuſer in Room, and of the advantages that attended him in order to enable him to bring his charges home againſt a ſtate delinquent, who was ſtripped of his power, and even of his rights of Citizenſhip, pending the proſecution, the better to enable the accuſer to make out and eſtabliſh his accuſation. He drew a diſtinction between this facility of coming at a Roman Governor charged with high crimes and miſdemeanors, and the extreme difficulty of making out any accuſation with effect againſt a Britiſh Governor. He ſaid, when he conſidered that Mr. Haſtings had been for fourteen years at the head of the Government in India,

India, and no one complaint had been ſent home againſt him, he trembled at the enormous degree of power he had to contend with, to which alone could be aſcribed the ſilence in queſtion, ſince it was not in human nature, ſituated as Mr. Haſtings had been, to preſerve ſo pure, even-handed, and unimpeachable a conduct, as to afford no room for a ſingle accuſation to be ſtated againſt him.

He mentioned alſo the never having ſeen the face of an Indian in this country, except a ſingle Mahratta, and ſtated the difficulties that muſt ariſe, ſhould any oppreſſed native of Hindoſtan madly venture to come to England to urge the complaint of the grievous oppreſſions he had laboured under. He dwelt on theſe circumſtances as additional reaſons that ought to operate with the Houſe, and induce them ſtill more anxiouſly to convince all India by their deciſion that night, that they were the firm friends of freedom and juſtice, ever ready to relieve the oppreſſed, and puniſh the oppreſſor. Having made a very long exordium, in which he ſaid a number of fine things, he came at length more particularly to the charges themſelves, and declared that, excepting in ſome few points, the facts they contained had been admitted by Mr. Haſtings at their bar, in what he had called his Defence, but which in fact he had couched and delivered rather in the ſtyle of their maſter, than that of the perſon they were accuſing of high crimes and miſdemeanors. He read a paſſage from Mr. Haſtings's Defence againſt the charge relative to the affairs at Benares, and dwelt on it as an expreſs avowal of a ſyſtem of deſpotiſm and arbitrary power, which Mr. Haſtings declared he had uniformly made the rule of his conduct *. He reaſoned upon this for ſome time,

* He here quoted Mr. Haſtings's opinion of the Britiſh Government, from his Defence at the bar of the Houſe:

"I mean, unleſs the whole of our territory in that quarter ſhall be rounded, and made an uniform compact body, by one grand and ſyſtematic arrangement, ſuch an arrangement as ſhall do away all the miſchiefs, doubts, and inconveniencies (both to the Governors and governed) ariſing from the variety of tenures,

time, and ſaid it was repugnant to any principles of government that he had ever beard of, and moſt eſpecially where the conſtitution of the ſuperintending government at home was free.

Having pointed out the miſchiefs that muſt neceſſarily ariſe from ſubordinate directors of provinces exerciſing arbitrary and deſpotic authority, he proceeded to allude to the leading facts alledged in the different charges againſt Mr. Haſtings, and particularly reprobated his rapacity after money, which he ſtated as

rights, and claims in all caſes of landed property and feudal juriſdiction in India; from the informality, invalidity, and inſtability of all engagements in ſo divided and unſettled a ſtate of ſociety; and from the unavoidable anarchy and confuſion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and diſcordant maſs. Every part of Hindoſtan has been conſtantly expoſed to theſe and ſimilar diſadvantages ever ſince the Mahommedan conqueſts. The Hindoos, who never incorporated with their conquerors, were kept in order by the ſtrong hand of power. The conſtant neceſſity of ſimilar exertions would increaſe at once their energy and extent, ſo that rebellion itſelf is the parent and promoter of deſpotiſm.

"Sovereignty in India implies nothing elſe; for I know not how we can form an eſtimate of its powers but from its viſible effects—and thoſe are every where the ſame from Cabool to Aſſam. The whole hiſtory of Aſia is nothing more than precedents to prove the invariable exerciſe of arbitrary power. To all this I ſtrongly alluded in the minutes I delivered in Council, when the treaty with the new Vizier was on foot in 1775; and I wiſhed to make Cheyt Sing independent, becauſe in India dependence included a thouſand evils, many of which I enumerated at that time, and they are entered in the 9th clauſe of the firſt ſection of this charge. I knew the powers with which an Indian Sovereign is armed, and the dangers to which tributaries are expoſed; I knew, that from the hiſtory of Aſia, and from the very nature of mankind, the ſubjects of a deſpotic empire are always vigilant for the moment to rebel, and the Sovereign is ever jealous of rebellious intentions. A Zemindar is an Indian ſubject, and as ſuch expoſed to the common lot of his fellows. The mean and depraved ſtate of a mere Zemindar is, therefore, this very dependence above mentioned on a deſpotic Government — this very proneneſs to ſhake off his allegiance, and this very expoſure to continual danger from his Sovereign's jealouſy, which are conſequent on the political ſtate of Hindoſtanic governments. Bulwant Zing, if he had been, and Cheyt Sing, as long as he was, a Zemindar, ſtood exactly in this 'mean and depraved ſtate,' by the conſtitution of his country. I did not make it for him, but would have ſecured him from it. Thoſe who made him a Zemindar entailed upon him the conſequences of ſo mean and depraved a tenure. Ally Verdy Khaun and Coſſim Ally fined all their Zemindars, on the neceſſities of war, and on every pretence, either of court neceſſity, or court extravagance."

as one of the prominent features of his government, obſerving that although he had told the Houſe, when at the bar, that he went out to India with his education but half finiſhed, it was plain he had completed it in Bengal upon the true Indian ſyſtem. Nor was his unlawful taking of money ſingly a crime in his mind, but Mr. Haſtings's having always contrived to make the India Company a party in his rapacious proceedings was a very great aggravation of it, inaſmuch as it caſt an odium on the national character by making a private vice appear to be aſcribeable to a public feeling. After dilating for two full hours upon a variety of general points inſerted in the different charges, he came at laſt to a more particular detail of the circumſtances immediately precedent to the commencement of the Rohilla war, during its conduct and progreſs, and ſubſequent to its concluſion, deſcribing each with great minuteneſs. Had Mr. Haſtings, he ſaid, ſo conducted his Government as to leave a country, that he found rich and fertile, increaſed in its cultivation and in its produce, had he left its venerable nobles in poſſeſſion of their antient honours and fortunes, its merchants in the purſuit of an improved and advantageous commerce, productive of a ſtill more enlarged return of wealth and uſury upon their capital, employed its huſbandmen in carrying their victorious plough-ſhares into deſarts and woods, and warring againſt that deſtruction, ſolitude and famine, that warred againſt mankind, he would in that caſe have ſaid to the Governor General, "I enquire not into your particular con-"duct, I am ſatisfied with the reſult; I want not to know, "whether you made two or three or five hundred thouſand "pounds: keep what you have got; you have made a nume-"rous people rich and happy, you have increaſed the com-"merce of the country, enlarged its means of wealth, and "improved its revenues; and in ſo doing you have reflected "honour and glory on the character of the Britiſh nation." Juſt ſuch a people had the Rohillas been previous to their extermination; but, alas! they were now baniſhed, and their

country

country no longer that luxuriant garden that every ſpot of it had been before the Rohilla war. He gave a hiſtory of the origin and life of Sujah Dowlah and Coſſim Ali Khan, and entered into an ample ſtatement of the affair of Nundcomar, and of all the facts that are contained in the Charge, and have been ſo often under diſcuſſion before, remarking that Sir Robert Barker had been offered 500,000l. and the remiſſion of an annuity of 250,000l. due from the Company before Mr. Haſtings came out, only for employing the Britiſh Brigade in the conqueſt of a ſmall part of the Rohillas, belonging to Raffez Hamet; and that Mr. Haſtings had undertaken to extirpate the whole nation or tribe for 400,000l.

He traced the diſaſtrous fate of the Rohilla tribes to a violent principle of rapacity which influenced the contracting powers in meditating and accompliſhing their ruin; and the deteſted policy of making a party, both in India and England, for the purpoſes of co-operation in carrying all its dark intrigues into full execution. Mr. Haſtings declared he had no other guide than the hiſtory of the country, and particularly the mad career of conquerors and uſurpers. What had a civil Governor of a diſtant province or dependence to do with the example of conquerors? *Timar* in particular had left inſtitutes behind him which were replete with the ſoundeſt principles of morality and juſt policy. Why had not Mr. Haſtings ſquared his conduct by theſe? The truth was, they were not calculated to have juſtified his extortions and peculation. The political maxims of a heathen Prince did not correſpond with a chriſtian Governor. The ſubject of a free ſtate ſcorned to be directed by the wiſdom of a deſpot. He denied, however, that there poſſibly could be any ſubordination in an abſolute government. The whole was reduced to one determinate and undivided principle of action. It was a tenet in politics which he ever had, and ever would hold, that all Britiſh Governors were obliged to act by law. In India to be ſure it could not be expected that they could practiſe Magna Charta. But there they

they had the law of nature and nations, the great and fundamental axioms on which every form of ſociety was built. Theſe, in conjunction with the collected experience of ages, the wiſdom of antiquity, and the practice of the pureſt times, formed a ſyſtem which in every country was venerable and popular. And whoever in high oſtenſible ſituations in India did not conform to a mode of Government thus eligible and indiſpenſable, ought to be found defective in the radical duty of his ſtation.

He enumerated ſeveral of the inſtances in which the deſpotiſm of Mr. Haſtings's government appeared to him moſt notorious, extraordinary, and inexcuſable. This plan of carrying on a ſyſtem of extortion among theſe poor defenceleſs natives was equally ſhocking and deteſtable. He tyrannized over the countries which he was bound only to govern for the good of the Company, and that of the individuals governed. He treated the ſervants of the Company with cruelty. All who did not affect a preference for him, he ſacrificed by one pitiful ſubterfuge or another to his perſonal reſentments, and endeavoured, by intrigues and caballing without end, to intereſt the Company as parties in the cauſe.

He ſtated and explained at the ſame time what he meant by diſobedience of orders, and met the objection, that the variation of ſituation accounted ſufficiently for all the inſtances of this kind that were in charge againſt him. He denied the allegation, and aſſerted, that wherever the ſituation changed the orders could not exiſt. But the diſobedience of orders, with which he had always charged Mr. Haſtings, was where he conteſted the point of judgment with them; and where, as happened oftener than once, he was even refractory, merely becauſe they were determined on a ſpecific mode of acting. In all ſuch caſes as theſe he arrogated to himſelf a diſpenſing power. And he appealed to the Houſe with what conſiſtency or decency they could paſs that impunity in a ſubject, which they had ſo ſignally refuſed to forgive in a Sovereign.

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The Rohilla war he detailed circumſtantially, and ſhewed how it originated and was carried on by the ſpecial agency of Mr. Haſtings. He exhibited Sujah ul Dowlah as a monſter of ferocity and cruelty. His enmity to the Rohillas he deſcribed as cruel, perfidious, and ungrateful in the extreme. He reminded the Committee of the aſylum which this Prince found among the Rohilla Chiefs, when driven from the territories of Oude by the Company's forces in their wars with Caſſim Ally. What was his conduct then? He was aſtoniſhed at the flouriſhing condition of Rohilcund. He lived among them during all this dreadful ſtorm, as the devil hovered for a while in the Garden of Eden. It was ſuch a Paradiſe as he had not ſeen before, and he regarded its populous and ſplendid town, its beautiful villas, and its rich vineyards, with envy. This was the origin of all the miſchief which befel that innocent and induſtrious people. He went into the whole of this diſgraceful hiſtory, and developed the infinite management by which the Governor-General had engaged for a ſum of money to maſſacre a nation with whom the Company could have no quarrel. He deprecated the uſe of the ſword in the hands of a magiſtrate. It was a thouſand times more ſafe in thoſe of a ſoldier by profeſſion. The former might give a licence, but rarely had the power of reſtraint. He might let a licentious ſoldiery looſe; but how could he prevent their outrages? or by what means recall them to a ſenſe of their duty? This military men only could do by the habits of order, to which thoſe under their command were reduced: but Mr. Haſtings had delivered a diſciplined army to the direction of a man, whoſe mind was as deſtitute of diſcipline as his heart was of principle. After ſtating every fact in this charge which made for his argument with infinite poignancy and pertinence, he addreſſed the Houſe with much earneſtneſs and pathos. He placed before them the millions of their fellow-creatures who had no other proſpect of relief than what they derived from Parliament. This was the only door of mercy that was open to them. He did not threaten the Houſe with

with the effects of their diſappointment. They were not likely ſoon to avenge their own wrongs. They had yielded up their all, and their apprehenſions were none, holding them at defiance, and even triumphing in the ruin they had wrought by their own means. He requeſted Gentlemen to conſider how the people of England would feel, or how the fact would be regarded in Europe, were all the principal men of property among their conſtituents to be driven from the country, to the amount of ſixty thouſand. It was not the negroes or peaſantry in any country who were immediately affected by conqueſt or extirpation. It was the chief land-holders, the principal manufacturers, the nobles, the ſuperior clergy, and the men of property among all ranks, who were the ſacrifices of ambition. He urged them to compare conqueſt with extirpation. The motives, the object, and the ends of them were materially different. There was ſome degree of glory in acquiring the government of a worthy race of men, in improving them in ſcience or morals, in making them more happy or more rich. But the act of extirpation was baſe, was ignoble, the object of a mean, plodding, and vulgar mind; it was a traffic of blood, and abhorrent to every generous and manly feeling. He would therefore leave it with the hearts and conſciences of gentlemen to decide as they ſhould anſwer to their country, their poſterity, their own minds, and the great God, who was the ſearcher of hearts.

After going through an infinite variety of particulars, he returned to the matter he had ſet out with, viz. an appeal to the juſtice of the Houſe, and a profeſſed readineſs to meet their vengeance ſhould he prove a falſe accuſer. Juſt before he ſat down he moved to have the Reſolution of May, 1782, which brands and ſtigmatizes Mr. Haſtings's conduct, read.

Sir Lloyd Kenyon.

The *Maſter of the Rolls* deſired to know to what purpoſe the hon. Gentleman wiſhed to have the Reſolution read?

Mr. Burke.

Mr. *Burke* ſaid, he would do any thing that was reaſonable to accommodate any Gentleman: his motive for wiſhing to have the

the Reſolution read was, in order to clear himſelf from the imputation of having raſhly and ſingly meddled with the ſubject, by ſhewing that the Houſe had in very ſtrong terms already reprobated Mr. Haſtings's conduct in regard to the Rohilla war.

The Reſolution having been read, Mr. *Burke* roſe again, and, after a few more words, gave his motion to Mr. St. John, who read it in the following words:

"That this Committee, having conſidered the ſaid article, and examined witneſſes thereupon, is of opinion, That there is ground for charging Warren Haſtings, Eſquire, with high crimes and miſdemeanors upon the matter of the ſaid article."

Mr. Wilbraham.

Mr. *Wilbraham* roſe to ſupport the motion, declaring that, for the ſake of Mr. Haſtings's honour, he hoped the Houſe would ſuffer the charges to go to the Houſe of Lords, for there, and there only, Mr. Haſtings could have what he ſaid at the bar he was ſo anxious for, a full acquittal. Mr. Wilbraham ſpoke ironically on the wonderful and tranſcendent conciliatory talents of Mr. Haſtings, who, he ſaid, had found means to conciliate Sir Elijah Impey after a publick quarrel; he had alſo found means to conciliate the Honourable Gentleman, who at this time with ſo much ability appeared as his Agent in that Houſe; and he had beſide conciliated a Right Honourable and learned Gentleman, who originally moved the Reſolution they had juſt heard read. The Hon. Governor would, he had no doubt, make an ample diſplay of his conciliatory talents, in the Houſe of Lords. Mr. Wilbraham after this made a few remarks on the queſtion itſelf, and particularly on the interpretation that had been put on Sir Robert Barker's having ſigned the treaty with the Rohillas, denying that ſuch atteſtation could fairly be conſtrued into a guaranteeing of the treaty on the part of Sir Robert Barker, and ſtating the miſchiefs that would enſue if every military officer's witneſſing a treaty was to be conſidered as giving it the effect of a guarantee.

Mr. Nicholls.

Mr. *Nicholls* roſe to ſupport the other ſide of the queſtion. He entered into a minute relation of all the facts relative to the charge,

charge, beginning with a deſcription of the Rohillas, who, he ſaid, were originally adventurers and a warlike people, but were neither the cultivators of the ſoil, nor the collectors of the revenue; they croſſed the Ganges and took poſſeſſion of Rohilcund about the year 1741, and held the offices of power ever ſince, till the period of their expulſion in 1775. Mr. Nicholls juſtified every ſtep that had been taken by Mr. Haſtings; and inſiſted upon it, that Sir Robert Barker's atteſtation was with a view to guarantee the treaty. He ridiculed Mr. Burke's idea, that Sir Robert Barker only guaranteed the treaty on the part of the Rohillas, declaring that no man ever heard of a guarantee on one ſide only. *Sujah ul Doula*, he reminded the Houſe, had been our ally, and that our intereſts being neceſſarily involved in his, when it appeared to be his determination to make war on the Rohillas, we were obliged in a manner to join him; but he did not deem the making the Rohillas croſs the Ganges an extirpation, any more than ſending the Auſtrian army out of Auſtria would be an extirpation of the whole Auſtrian nation. He went through the hiſtory of the provinces of Corah and Illahabad; and juſtified the demanding of the five additional lacks of rupees, when the Vizier deſired to ſuſpend the war he had meditated againſt the Rohillas. He alſo juſtified that part of the charge relative to Mr. Haſtings's conduct in regard to his ſecret manner of conducting the treaty of Benares; and ſummed up his ſpeech by declaring that he would give his negative againſt the queſtion, becauſe he was ſatisfied that Mr. Haſtings was not guilty of any of the facts alledged againſt him as ſtated in the Charge.

Mr. *Powys* owned his ſurpriſe at the ſort of queſtion the Houſe was called upon to vote, declaring at the ſame time that he did not aſcribe it to any improper intention on the part of his Right Hon. Friend, who had with ſuch wonderful ability expatiated upon it; but he had imagined that the Committee would not have been expected to do more than vote ſome general Reſolution that night, ſuch as, *that the Charge contained* Mr. Powys.

tained matter of a criminal nature, or words to ſomething like that effect. To explain what he meant more fully, Mr. Powys ſaid, the preſent motion enumerated almoſt every fact alledged in the charge as a criminal fact. — To that extent he was not prepared to go. Several of the facts did not appear to him to have been proved, or, if proved, not to have been criminal; others, on the contrary, did appear to be criminal, and he was ready to vote them. If the Right Honourable Gentleman would withdraw his motion and put it generally, as he had hinted, he would vote for it; if the preſent motion were to ſtand, he muſt go through its detail, and ſeparate what he thought criminal, and was prepared to vote, from what he entertained a different opinion about. He would pauſe for an anſwer.—

Mr. Burke. Mr. *Burke* roſe and ſaid, every thing that came from his Honourable friend had great weight with him, and he would inform him why he had drawn the motion in its preſent form. The Right Honourable Gentleman oppoſite him, for whoſe ſituation and abilities he entertained great reſpect, had deſired that the motion might be propoſed, as nearly as poſſible, in the form in which he ſhould be of opinion it might go to the Houſe of Lords. Being therefore well aware, that the Houſe of Lords would expect the articles, ſent up as grounds of an impeachment, to contain a ſpecific ſtatement of facts and periods of time and place, he had drawn his motion accordingly, but he was not wedded to its form. If in addition to the Honourable Gentleman's opinion, which alone had great weight with him, he ſhould find it to be the opinion of the Houſe, he had no objection to retire for a minute or two, and draw up a ſhort general motion of the nature pointed out, and which, but for the reaſon he had ſtated, would certainly have been the form in which he ſhould have introduced it.

Mr, Pitt. The *Chancellor of the Exchecquer* joining in opinion with Mr. Powys, and likewiſe Mr. Wilberforce, thoſe Gentlemen, as well as Mr. Fox, ſuggeſted different forms of motions, ſo as to meet

meet the general idea, whereupon Mr. Burke withdrew his firſt motion, and that moved by Mr. Powys was taken as the ſubject of the ſucceeding debate.

Mr *Powys* then roſe again and reſumed his argument, and began with declaring, that the part of the charge that related to an imputation of cruel treatment to the priſoners had not been proved or brought home to Mr. Haſtings. He ſtated what facts he thought had been proved, and eſpecially that of extirpating he Rohillas. He anſwered Mr. Nicholls's argument, that forcing the Rohillas to croſs the Ganges was no more the extirpation of a nation, than obliging the Auſtrian army to quit Auſtria would be extirpating the Auſtrian nation; and aſked, what the Honourable and learned Gentleman would think if the militia of England were compelled to quit the iſland of Great Britain? He reaſoned upon many parts of the charge, and read ſome extracts from Mr. Haſtings's own letters, making ſeveral ſhrewd and ſtriking diſtinctions between what appeared to be criminal and what otherwiſe. He declared upon the whole, he ſaw no ground to impute either perſonal or vindictive motives to Mr. Haſtings, and, therefore, though he ſhould vote for the motion, he begged to be underſtood as by no means pledging himſelf to vote for the other charges, or to vote for carrying up articles of impeachment to the Houſe of Lords, merely on the ſingle ground of the preſent reſolution. In the courſe of this ſpeech, he alluded to the circumſtances of Mr. Haſtings having been appointed three ſeveral times by the ſame Adminiſtration after the affair of the Rohilla war, and ſaid, it was undoubtedly a circumſtance in his favour; but what muſt the Houſe think of the conduct of that Adminiſtration, who could not but know of all the criminal facts ſtated in the charge of that day, and yet continued to employ him in ſo high an office, while the ſuſpicion of weighty criminality appeared ſo ſtrong againſt him? Mr. Powys.

Mr. *Montague*, in a ſhort ſpeech, obſerved, that the recovery of the forty lacks of rupees due from the Rohillas to Sujah al Mr. Montague.

Dowlah, was the only apparent and oſtenſible reaſon for commencing the war upon that people, but it was evident there had been ſome other reaſon which ought to be known and ſtated.

Mr. Powys. Mr. *Powys* miſapprehending Mr. Montague, roſe to explain a part of his ſpeech.

Mr. Montague, Mr. *Montague* replied, and re-ſtated what he had before ſaid, in order to prove that it did not apply to any thing that had been ſaid by Mr. Powys.

Ld. North. Lord *North* and Mr. *M. A. Taylor* roſe together, but his Lordſhip declaring he roſe to explain a matter perſonal to himſelf, that had been alluded to by Mr. Powys, obtained the firſt hearing. His Lordſhip then gave a circumſtantial account of his conduct while at the head of Adminiſtration, relative to the appointment of Mr. Haſtings, three ſeveral times. He ſaid, when the Bill appointing a new conſtitution for the Eaſt India Company, and abridging part of the powers before enjoyed by the Directors, (for that the Bill undoubtedly did, being what was generally deemed a ſtrong Parliamentary meaſure, juſtified by the neceſſity of the times,) was before the Houſe, it was moved by him to nominate Mr. Haſtings for five years Preſident of Calcutta, and after that time the power of nominating their chief ſervants in India was to revert to the Court of Directors, and be by them enjoyed as before: by the ſame Bill General Clavering, Mr. Monſon, and Mr. Francis, had been appointed; and a better Council, or one on whom too much praiſe could not be beſtowed, had never been ſent out. At that time the news of the Rohilla war, and all its circumſtances, had not reached England. Soon after the arrival of the new Council in India, they ſent home complaints againſt the Governor General, on the ſubject of the Rohilla war, ſtating ſuch facts as had then come to their knowledge. As ſoon as he was apprized of thoſe facts, his Lordſhip ſaid, he thought Mr. Haſtings's conduct highly cenſurable, and he ſent to the Court of Directors (with whom the power of appointing

pointing new ſervants, ſubject to the controul of his Majeſty's miniſters, lay) and deſired them to make every poſſible exertion for the recall or diſmiſſion of Mr. Haſtings. The Court of Directors condemned Mr. Haſtings's conduct as much as he did; a Court was called, and his diſmiſſion reſolved. That vote of the Directors, however, was rendered abortive by the Court of Proprietors, among whom Mr. Haſtings had ſo many friends, that they ſent back the vote of the Court of Directors, and kept Mr. Haſtings in his ſituation. No other means for removing him, therefore, could have been reſorted to, but his bringing in a new Bill to alter again the conſtitution of the Eaſt India Company. That, as their conſtitution had been ſo lately ſettled, he did not think adviſeable, becauſe, if any alteration had been made, he muſt ſtill farther have encroached on the powers of the Court of Directors. At a ſubſequent period, two gentlemen (Mr. Grant and Mr. L. Macleane) came over from India, and made it appear to the Court of Directors, that they were authorized to make a tender of Mr. Haſtings's reſignation; the Court accepted the reſignation, and Mr. Wheler was appointed to ſucceed Mr. Haſtings; but on their return to Calcutta, Mr. Haſtings refuſed to acknowledge that he had given the gentlemen any authority to tender his reſignation, and would not give up his office. In 1778, when a new Bill was neceſſary to be paſſed, the French war commenced, and he did not think that a fit time to make an alteration in the conſtitution of our Government in India, and conſidering Mr. Haſtings as a man of abilities, he continued him in his government. His Lordſhip accompanied theſe explanations with expreſsly declaring that he had, ever ſince he firſt heard of the Rohilla war, uniformly condemned it, and that one reaſon for his not recalling Mr. Haſtings, was an expectation that he would voluntarily reſign, from knowing that the Court of Directors continued to condemn his acts, and he (Mr. Haſtings) to declare, that he would not continue under the circumſtance of having every meaſure he took condemned.

Earl of Mornington

The Earl of *Mornington* declared the noble Lord had aſſigned ſome ſuch very extraordinary reaſons for his having three times appointed Mr. Haſtings to the chief place in the Government of Bengal, ſubſequent to the Rohilla war, that he could not paſs them by. Firſt the noble Lord had ſaid, he knew nothing of the Rohilla war till lately; this was an extraordinary declaration from a noble Lord who had been at the head of his Majeſty's Councils at the time. For who ought to know ſuch a fact, but an Adminiſtration poſſeſſing the then newly given controul and inſpection over the Company's affairs and diſpatches? Next, the noble Lord had expreſſed great delicacy with regard to interfering with the Eaſt-India Company's conſtitution. He was glad to hear the noble Lord's delicacy on that ſubject had been of ſuch antiquity; he preſumed therefore, that it had been owing to that ſubſerviency which a Right Honourable Gentleman [Mr. Burke] had lately talked of exacting from all thoſe parties, which coaleſced with him and his friends, that the noble Lord had condeſcended to purſue that line of conduct that he had followed in reſpect to a Bill relative to the Eaſt India Company, that had been not a little famous in that Houſe and throughout the country.

His Lordſhip ſaid farther, that the noble Lord had ſtated to the Houſe, that the Court of Directors condemned every one of the acts of Mr. Haſtings, and therefore the noble Lord thought it would be wrong to turn him out of his Government, which was ſo extraordinary a reaſon, that he would hope the noble Lord would favour the Houſe with ſome explanation. He alſo obſerved the noble Lord had not yet ſtated what his opinion was reſpecting the preſent queſtion; he wiſhed he would be ſo good as to explain that at the ſame time.

North

Lord *North* roſe and explained his former poſitions, admitting that they required ſome explanation. With regard to any delicacy that he felt about the Eaſt-India Company's conſtitution,

conſtitution, he did not recollect to have put the queſtion on delicacy, and as to *chartered rights* he had not ſaid one word about them. If the noble Lord wiſhed to know why he did not move or take a part in ſupporting that Bill, during the war, he was ready to admit, that the moving it when it was moved did him no good, and the loſs of it was, in his mind, a great public evil—[a loud laugh]—Had it been moved in the war time, it certainly would not have made his Adminiſtration more firm. With regard to his opinion on the preſent queſtion, if the noble Lord would have the patience to wait till he voted, he would then ſee what his opinion was, for as yet he had not ſaid one word about it; and indeed it would become both the noble Lord and himſelf to wait till they had heard more argument on the ſubject before they ventured to deliver their opinions.

Mr. *M. A. Taylor* made a ſpeech of conſiderable length in favour of the motion, and elucidated the doctrine of guaranteeſhip, proving from thence, that the Company were by no means guarantees to the treaty between the Rohillas and Sujah al Dowla, and of courſe that Mr. Haſtings had no excuſe whatever for entering into a war with the latter againſt the former. Sir Robert Barker had told them at their bar, that when he ſigned the treaty he had not done it with any intention that it ſhould make the Company guarantee to that treaty, but ſimply as an atteſtation. He pointed out what he thought neceſſary to conſtitute guaranteeſhip—that there ought to be three parties to the treaty, the two contracting parties, and that which was to guarantee; that the relation of the parties to each other ſhould be ſpecially recited, and of courſe the intention of one of the parties to become guarantee be fully ſet forth; and that without ſuch recital and particular ſpecification there could be no guarrantee, and any ſignature could only ſtand as a ſimple atteſtation. He went fully into the general queſtion, and took an extenſive view of the period of Eaſt-Indian hiſtory to which Mr. M. A. Taylor.

the charge related, ſupporting his argument, as he went on, by judicious applications of ſeveral parts of the evidence that had been given in. The whole of his ſpeech tended ſtrongly to fix on Mr. Haſtings the ſtrongeſt ſuſpicion of criminality as far as the Houſe could be enabled to judge from the *ex parte* evidence before them, and to enforce the neceſſity they were under of finding the article and bringing the whole to a final and complete iſſue.

Mr. H. Browne.

Mr. *Hawkins Browne* advanced a few pointed arguments in defence of Mr. Haſtings, and againſt the motion.

Mr. Windham.

Mr. *Windham* entered into a diſcuſſion of the queſtion, and argued the point as to whether Sir Robert Barker's having atteſted the treaty at Benares amounted to a guarantee or not. He applied an infinite deal of cloſe and ingenious reaſoning to this particular, contending that as Sir Robert had declared he ſigned the treaty merely becauſe otherwiſe the Rohillas would not have had faith in the Vizier, if Sir Robert was to be conſidered as a guarantee at all, it muſt be as a guarantee and ſecurity to the Rohillas. But putting that circumſtance out of the queſtion, Mr. Windham aſked, whether it was pretended the Rohillas had violated the treaty? No ſuch pretence was urged, and therefore Mr. Haſtings was left without excuſe for his conduct in having employed the Britiſh arms to attack and extirpate a nation or tribe, who had given no offence to the Britiſh forces or the Britiſh Civil Government in India. Mr. Windham dwelt alſo on the highly ſuſpicious circumſtances under which Mr. Haſtings had negotiated the treaty at Benares, and aſſigned a variety of reaſons for giving his ſupport to the motion.

Lord Mulgrave.

Lord *Mulgrave* roſe after Mr. Windham, and ſaid he meant to trouble the Committee as ſhortly as poſſible; but in order to conſider truly and fully the important queſtion now before them, it would be neceſſary to ſtate the juſtice as well as the policy of the war; and if in ſo doing he ſhould be drawn into a longer detail than he wiſhed, he hoped for the indulgence

and

and attention of the Committee.—Having premiſed thus much, his Lordſhip next ſtated, that in the year 1765 the late Lord Clive reſtored to Sujah Dowlah the whole of the dominions which had been conquered from him, except Corah and Allahabad. Theſe diſtricts were granted to the King, for his maintenance. From the year 1765 to 1772, Sujah Dowlah and the Engliſh were in continual apprehenſion of an invaſion either from the Mahrattas or Abdallah. During the greater part of that period, a complete brigade was kept at Allahabad, for the protection of the Vizier's and the King's territories, at a moſt enormous and ruinous expence to the Eaſt-India Company, ſince it was almoſt wholly paid by the extraction of ſpecie from Bengal, to which kingdom it never returned. The Company at home felt this drain ſo ſeverely, that they wiſely recommended it to their ſervants in Bengal to confine their views and their armies within the banks of the Carumnaſſa; and here, his Lordſhip obſerved, their orders were by no means poſitive. In the year 1771 the apprehenſions of Sujah Dowlah were greatly increaſed, in conſequence of the King's having thrown himſelf into the arms of the Mahrattas; and then, for the firſt time, a treaty was propoſed between Sujah Dowlah, the Rohillas, and the Engliſh. The Committee will obſerve, that Mr. Haſtings did not arrive in Bengal till the following year, and in April, 1772, he ſucceeded to the government. It appears perfectly clear that Mr. Haſtings's wiſh was to withdraw all our troops within the Company's preſcribed limits; and he actually diſapproved of an order, which Sir Robert Barker ſent of his own authority, for the march of the frontier brigade into Sujah Dowlah's country. But to clear Mr. Haſtings from the charge of inconſiſtency, his Lordſhip ſtated, that finding his government ſo involved with the Vizier, and well knowing the fatal conſequences of an invaſion of the Mahrattas, he conſented to the meaſures which Sir Robert Barker had propoſed, taking care that a more equitable ſum ſhould be paid by the Vizier for our aſſiſtance.—After much negociation, a

treaty was concluded between Sujah Dowlah and the Rohillas, in the month of June, 1772, to which treaty Lord Mulgrave aſſerted the Company were to all intents and purpoſes guarantees; for what was a witneſs to a treaty, but a guarantee under the circumſtances that Sir Robert Barker witneſſed that treaty? In the firſt place, he deputed Captain Harper to Haffez Rhamet—Again, the conferences were all held in the Britiſh General's tent—and again, Sir Robert Barker has declared to you, that without his ſignature there would have been no treaty. By all theſe acts, his Lordſhip added, we became parties to the treaty to all intents and purpoſes. Our army marched to drive the Mahrattas out of the Rohilla country, in conſequence of this agreement—our army fully and completely effected the ſervice—our General pplied repeatedly for the payment of the 40 lacks, of which ſum the Company was to receive a moiety—our General ſent a propoſal to Mr. Haſtings for attacking the Rohillas for their breach of treaty—all theſe particulars appear in evidence; and tho' Sir Robert Barker ſaid he was not a guarantee, yet he certainly performed every act incumbent upon a guarantee to perform. He deſcribed the Rohillas as the moſt faithleſs and treacherous ſect of men, and he declared that Sujah Dowlah had fully and literally performed all the ſtipulations of the treaty on his part. Mr. Haſtings, his Lordſhip obſerved, was fully juſtified in going to war as an ally to Sujah Dowlah—but a Right Honourable Gentleman (Mr. Burke) obſerved that Mr. Haſtings did not ſend to Haffez Rhamet before he determined to attack him. The breach of treaty was apparent; and would it have been proper for Mr. Haſtings to have acted as a lawyer, and to have ſummoned both parties before him? Again, it had been obſerved, that the cauſe of the war was the non-payment of 40 lacks of rupees, but the puniſhment went much further. This was indeed a moſt extraordinary doctrine. Who ever heard of a nation at war ſtopping at the preciſe point when ſatisfaction for the injury complained of was received? Did this nation act ſo

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with France in the glorious war of 1756? It had alſo been obſerved, that if we were bound by the guarantee, we acted unjuſtly in exacting new conditions from Sujah Dowlah—the fact was, as his Lordſhip ſtated, that the Rohilla breach of a treaty, to which we were a party, fully juſtified the part we acted, and that Mr. Haſtings did perfectly right, in obtaining the beſt terms he could for the Company, from the Vizier.—Having very fully ſtated the juſtice of the war, Lord Mulgrave ſaid the wiſdom and the policy of it were too apparent not to ſtrike every man. We obtained a barrier for an ally, whoſe dominions have been perfectly ſecure by it from that time to this—now twelve years. We procured above a million ſterling for the Company. We ſecured the tranquillity of Oude upon Sujah Dowlah's death, which happened a few months after the Rohilla war, and which could by no other means have been ſecured, and every ſubſequent beneficial conſequence which has ariſen from our connection with Oude, is to be traced to the Rohilla war.—Having thus ſtated the juſtice, and policy, and beneficial effects of the Rohilla war, his Lordſhip came to conſider the objection that had been made to it. Sir Robert Barker who had originally propoſed the war, had objected to it, becauſe he thought, after Sujah Dowlah had acquired Corah and Allahabad, the addition of Rohilcund would make him too powerful; but the event had proved, that tho' Sir Robert might be a good general, Mr. Haſtings was by far the better politician. Much had been ſaid of Mr. Haſtings having concluded a ſecret treaty with Sujah Dowlah, and concealing it from his Council. There was not, however, ſo far from any proof of his having done ſo, not the ſhadow of ſuſpicion of it. The aſſertion had been flatly contradicted by Mr. Haſtings, who avowed that he went up to Benares, for the purpoſe of treating with Sujah Dowlah: that the Rohilla war had been agreed upon; had afterwards been given up, and when reſumed in November, 1773, an option lay with the Council to accept or reject the meaſure altogether.

ther.—The next point to conſider was, whether the war was conducted with cruelty or not; and his Lordſhip affirmed, that, after the moſt minute inveſtigation, it appeared clearly that it had not; that Mr. Haſtings interfered fully and effectually in behalf of the families of Haffez Rhamet.---How eaſy is it, added Lord Mulgrave, to paint the horrors and cruelties of any war that ever was entered into? Whatever hardſhips were ſuſtained by the Rohilla priſoners, it is clear, that ſo far from being authorized by Mr. Haſtings, he had inſtantly interfered to prevent them, and in the moſt effectual manner.--- Of all accuſations againſt Mr. Haſtings, he the leaſt expected to find a charge of cruelty: from all he had read relative to our tranſactions in India, from the converſations he had had with reſpectable gentlemen who had ſerved there, he could ſafely affirm, that there never was a man more univerſally eſteemed and beloved by the natives than Mr. Haſtings. The Hindoos looked up to him as the preſerver of their temples; the Muſſulmen, as the guardian of their moſques; and his own countrymen, as the man who had ſecured the empire of India to Great Britain ---His Lordſhip concluded by declaring he ſhould vote againſt the motion from a conviction that the Rohilla war was founded in juſtice, and that the wiſdom and policy of the meaſure were beyond diſpute.

Mr. Hardinge.

Mr. *Hardinge* ſaid,—that, after a very painful conflict between perſonal feeling and public duty, he had formed his opinion—that he ſhould vote in the affirmative—that he held profeſſions in ſupreme contempt—that if they were believed, they degraded the perſon who made them; that, if diſbelieved, they were ſure to be reprobated as mean attempts to impoſe upon the public—this only he would ſay, that he muſt be a refined enemy indeed who diſcovered party intrigue, perſonal ſpleen, or political ambition, as motives to the part which he took againſt Mr. Haſtings. He aſſerted his decided and firm conviction, that an example was due to the national honour for part of the miſconduct imputed by thoſe charges to Mr. Haſtings,

Haſtings, and that ample proof had been laid before the Houſe of that probable ground upon which it was their duty, as the firſt and great inqueſt of the realm, to put every public man upon his account. He did not ſay that Mr. Haſtings would be convicted upon his impeachment: that if he were tried and acquitted, the example would be made; but that if he were ſcreened, the diſgrace of that meaſure would cling to this government like a poiſoned ſhirt, for ages to come—that it would ſurvive the parties of the day, and be a laſting reproach to the country.

He thought it a time of all others to mark, particularly in our Eaſtern branch of the government, that no man was too great in this country for public juſtice, and Mr. Haſtings was of all men living the very man upon whom that principle ſhould operate—that he had long been too great for his immediate and (as he called them) his "*only maſters*," the Directors of the Company, too great for the Government, in feeble hands, to ſay no worſe of them: and he could not help remarking, that a more characteriſtic portrait of political imbecillity was never diſplayed than by the noble Lord in the blue ribband that very night, in his attempts to account for his own ſhameful neglect of this great cauſe, when he had all the materials for it before him—that, if the country had one atom left of public ſpirit, this plea of greatneſs in the way of juſtice would be no longer endured.

That he was the more ſtruck at the idea which he had thus conveyed, when he reflected upon that compoſition which called itſelf "the Defence of Mr. Haſtings;" a compoſition which he would not receive as evidence of any fact either for him or againſt him, but would receive as a general impreſſion of the topics in his favour—that he ſaw there a perfect character drawn by the culprit, and that perfect character—his own—that, according to his own report, "he had the conſcious triumph to have ſeen all his actions terminate in the "ends deſigned - - - - - that all his duties had been ful-

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"filled - - - - - that he had improved all the ſources of "abundance and wealth—his political meaſures had been ac- "tuated by juſtice and good faith—all ranks of men, Eaſtern "or European, had been impreſſed with a ſuperſtitious faith "in ſome fortunate influence which directed all his actions "to their ends—that he was of higher eſtimation, not only "in the Eaſt but in Europe, than any man of his rank—that "Madajee Scindia had written to the king in his favour"—a ſad falling off in his rhetoric! though he adds, "*who can* "*reſiſt ſuch an authority?*" the authority of a Mahratta Chief famous for his duplicity and intrigue. That, after this character, the diſclaimer of its effect upon the judgment of his crimes became perfect ridicule; as no crimes were left.

That another point ſtruck him with infinite alarm;—the uſe Mr. Haſtings had made of the Directors;—that as the occaſion varied he varied alſo in his demand upon them—that where they commend him in the lump, as upon his late arrival in England, this general approbation overcame all the marks of cenſure which they had beſtowed upon his meaſures, this Rohilla war in particular—or we are told that in their cenſure he had received his puniſhment:—yet he calls them partial judges--diſobeys them—and either tells them it *is* obedience, tho' a little too deep for *them*—or that he diſobeyed for their good—or that he diſobeyed for the vindication of his own perſonal honour;—and when they recall him, at his own requeſt, he does not chuſe to come.

That he had accuſed the charge, of intentional falſehood, of artifices, pernicious policy, and falſe morality—that in the Rohilla war he ſets himſelf not only againſt the Directors, but the Houſe of Commons, who had called that meaſure *iniquit us* which *he* calls *equitable*; *diſobedient*, which *he* repreſents to have been *authorized*.

That his (Mr. Hardinge's) firſt and capital objection to the Rohilla war was its *glaring injuſtice*—that he hoped thoſe pernicious tenets, which had excluded political morality from

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he ſyſtem of ethics in the caſe of Lord Clive, had poiſoned he Houſe in thoſe days, and had been diſplayed with fatal effect by all the alluring powers of eloquence, would never be heard again—tho' he ſaw with infinite pain a hint of them n a letter by Mr. Haſtings late in 1772, where he tells the Company, that "rigid principles of juſtice between man and "man" cannot be adopted in their government.

That for the purpoſe of this Rohilla war Mr. Haſtings had made a ſecret compact with Sujah Dowlah, the Nabob Vizier of Oude, who was our ally, undertaking to exterminate an independent race amounting to 100,000 men, for declining to pay 100,000l. part of the 400,000l. due from them upon their treaty with him.

That it was *unjuſt*; *becauſe* the *puniſhment* was beyond the *guilt*; the *compenſation* beyond all bounds of an *equivalent* for the *loſs*—that he wiſhed this famous treaty read, and would then defy the eloquence of an angel to ſoften the guilt of it. It is in ſubſtance this—"*Whereas* the Rohillas have not paid "100,000l. which they owe to the Vizier, as *he* (the intereſted "party) affirms, therefore we his allies agree"—to do what? Perhaps to make them pay!—No: perhaps to conquer a part of their country! No:—*to exterminate the whole* race from the land which they occupy.

That curious diſtinctions had been made upon the word *exterminate*; but that Mr. Haſtings had not ſoftened the effect of it in his opinion, when he ſaid it was *only* to *remove* them and "*all veſtiges* of their power."

But "they are," it ſeems, "not a *nation*," as the accuſer had called them: 1ſt. "Becauſe they are Affgan Tartars, mi-"litary adventurers, and uſurpers upon uſurpers"—that if this were true, Mr. Haſtings could not act upon it, for that would be to make the Company "Umpires of Indoſtan," which the expreſs and pointed orders of his "*only Maſters*" diſabled him to make them.—2d. "Becauſe they are uncon-"nected with the Hindoos, who are the natives, who are

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"mechanics, and who cultivate the earth; ergo they are not "a nation."—What then are *we?* (ſaid Mr. Hardinge.) They poſſeſs the land, collect the revenue, have all the military and all the civil powers. He added, that Sujah Dowlah never had felt himſelf degraded by entering into a ſolemn treaty with them, and by expecting them to pay that 400,000l. which they had offered him in the ſhape of this treaty with him.

That all the argument of policy adduced by Mr. Haſtings, if it could avail him at all, would have applied with equal force to a *nation*, according to the moſt perfect ſenſe of that word in the *code diplomatique*.

"But they were not *all* of them extirpated"—Whoſe fault? His plan was to *exterminate them all*. It was the beauty and perfection of it that no half-meaſures were to interfere, and that whether it ſhould be in the form of treaty, or by the help of the ſword, the whole race were to be obliterated in that government.

Some, it ſeems, were pent up under Fizoolla Khan in a part of Rohilcund; but what in truth was the Engliſh of the difference? Fizoolla Khan paid for it 30 lacks of rupees—30 lacks of rupees for *not being exterminated!*

It was obſervable too, that Sujah Dowlah's firſt application to Mr. Haſtings was very ſhort of theſe cruel extremities. He deſired the help of the Company in compelling payment of the ſum due to him from the Rohillas, and rather inſinuated conqueſt as the alternative upon their obſtinate refuſal: nor was *that* a conqueſt of more than ſuch part of the territory as Hafez Rhamet, one of the Rohillas, gained. But Mr. Haſtings at Benares *improves* upon this palliative, and makes it a point with Sujah Dowlah that no veſtige of a ſingle Rohilla ſhould be left.

Nor was any queſtion to be aſked of the parties accuſed—pacification, ſhort of exterminating, was to be deprecated—no compromiſe to be attempted—no requiſition of payment—no reaſon to be aſſigned for the war—

"No;"

"No;" (we are told) "for that would only enable them "the better to oppoſe and counteract"—the *extermination* of them.

But (ſaid Mr. Hardinge) the war had another ſtrong feature of *injuſtice*. It was *unjuſt*, becauſe the fact alledged againſt the Rohillas by Sujah Dowlah as ground for hoſtility was never aſcertained. The Commander in Chief appears to have ſollicited payment without effect, but the board had never themſelves interfered.

It was *unjuſt* for a *third* reaſon—we had nothing to do with it. Tho' it is true, (ſaid Mr. Hardinge) that Sujah Dowlah was our ally, we had engaged only in a defenſive alliance with him—as a barrier againſt the Mahrattas. If this was not the tenor and ſpirit of our compact with him at Illahabad, Lord Clive had miſled the Company, and they in return had miſled their ſervants at the Board, by making a point of defenſive meaſures alone in our political intercourſe with him.

But we are *now* told that in Sujah Dowlah's treaty with Hafez Rhamet (the Rohilla chief), the Company were *guarantees*; a connection which bound them to this war at his requiſition.

Mr. Hardinge expreſſed his aſtoniſhment at this *new* turn of the argument; but he denied that any ſuch implied guarantee as the mere atteſtation of a commander in chief, could be found in any part of the world. In Europe it was ridiculous to name it; but he affirmed, that in the Eaſt no ſuch guarantees had ever exiſted—and that even there regular expreſs articles of that import were inſerted where the idea was entertained.

He reminded the Houſe of the expreſs guarantee in Sujah Dowlah's treaty with the Nabob of Bengal and the Company—in another treaty between the Nizam and an inferior Nabob—in a third between the Nizam and the Nabob of Arcot—in a fourth between Sujah Dowlah and the Begums or princeſſes of Oude—in a fifth between Sujah Dowlah and Fizoolla Khan—where Mr. Hardinge ſaid that Mr. Haſtings

was

was in this dilemma: Fizoolla Khan had executed a ſolemn treaty with Sujah Dowlah, atteſted by Colonel Champion, the Commander in Chief: Was it a guarantee, or was it not? Mr. Middleton ſaid, in a letter at the time, that it was *not*, and in ſtrong terms reprobated the idea of any ſuch guarantee, as reſulting from atteſtation alone by a Commander in Chief; yet *this* Mr Middleton had recently informed the Houſe, that it amounted in his opinion to a guarantee, by the laws and cuſtoms of the Eaſt. But Fizoolla Khan thought it no guarantee, and, ſupported by Mr. Middleton, had ſollicited the expreſs and the only guarantee upon which it ſtruck *him* that he could rely. He obtained it, and he paid for it—a lack to the Vizier, and another to us—20,000l. If the guarantee thus bought was a point of right, expreſſing what the military ſignature had implied, the ſum demanded was extortion and rapine. If the guarantee was neceſſary, the atteſtation alone is nothing. Mr. Hardinge laid ſtreſs upon the words atteſtation *alone*; for he admitted that an atteſtation *might*, under ſpecial circumſtances of treaty expreſſed and underſtood, form a guarantee.

He argued from this dilemma in the caſe of Colonel Champion to a ſimilar one, but more ſtriking, as applicable to General Barker, upon whoſe mere ſignature the new argument of guarantee aroſe. If (ſaid Mr. Hardinge) it *was* a guarantee, how came it that Sujah Dowlah paid us, for acting upon it, no leſs than 400,000l? If it be ſaid, "that he "paid us for the *war* to which the guarantee did not ex-"tend," Mr. Hardinge ſaid there was an end of it, as a guarantee that bound us to the war.

He ſaid it was the firſt inſtance he believed of a guarantee implied by the act of a perſon as the inſtrument of it, who was not conſcious of it himſelf, and had poſitively affirmed that he did *not* bind the Company by *atteſting* the deed.

But a little before this treaty was atteſted, the ſame witneſs

neſs declared, in a letter to the Board, that he *would not* bind the Company, or pledge their faith to either of the parties. He writes word in May, when this treaty was upon the carpet, and in June he ſends word of its completion, adding that he had witneſſed the execution of it—yet this was now to be argued as equal to the moſt pointed and expreſs guarantee.

There is not the leaſt evidence that Sujah Dowlah required or ſollicited a guarantee; but if he had, the Commander in Chief could not have complied without an authority from the Board, and he had none, but he had an expreſs prohibition to any ſimilar pledge.

That is not all:—upon the 17th of April, 1773, the Board wiſh the Commander in Chief to obtain for the Company 20 of the 40 lacks due to the Vizier. This was after the ſuppoſed guarantee had been impreſſed upon the deed. They deſire a new treaty, but caution him *even then* againſt any engagement that would implicate them in a Rohilla war.

When the Nabob applies to them for the benefit of their cooperation with him againſt the Rohillas—not a word of the guarantee, nor a hint of it.

When they anſwer him, they ſeem to have as little conception of it as himſelf.

Mr. Haſtings vindicates the Rohilla war in letters to the Board, and the Directors—where is the guarantee in theſe compoſitions?

He writes to Colonel Champion, who ſucceeded Sir Robert Barker as Commander in Chief; he aſſigns to him, with ſome anxiety and labour, his reaſons for the war---of the guarantee ſtill not a word!

In a letter of later date, the idea (not the word) is firſt inſinuated; but it's dropped afterwards, and particularly in the ſolemn appeal to the Directors made againſt the majority of the Board who had accuſed him of this war, and one of whom in particular (Mr. Francis) had ridiculed the idea of

any ſuch guarantee with a ſort of defiance upon the ſubject.

Mr. Hardinge ſaid the war *was unjuſt* for a *fourth* reaſon---It made the Eaſt-India Company mercenaries of ambition, of cruelty, and of inveterate reſentment. The ambition of Sujah Dowlah was a feature of his character agreed on all hands, notorious, and perfectly known to Mr. Haſtings at the Benares interview.

That his nature was cruel, never has been denied, and was proved by Mr. Haſtings when he deſired *his own* agent Mr. Middleton to remonſtrate with him againſt cruelty.

That he had an old grudge againſt Hafez Rhamet and the Rohilla Chiefs, appears by a letter of Mr. Harper long before this treaty was on foot.

Mr. Hardinge ſaid, that upon the actual cruelties which he perpetrated in the war he could not accuſe Mr. Haſtings, tho' he did, by accuſing him of the war itſelf, in ſome degree make him anſwerable for the effects of it, if he could not but foreſee them in the character of ſuch an ally. But he accuſed him of a dangerous and falſe principle in his letter to Colonel Champion, by which he gives him to underſtand, that he *may* expoſtulate, but muſt not endeavour to counteract the Vizier, let him be ever ſo cruel, by force or controul, "We are to "conquer, to exterminate for him; but the uſe of the means, "or of the end, are with *him*—*we* have no buſineſs with it, "but are paſſive inſtruments." This Mr. Hardinge marked as an avowed part of the Governor General's politieal creed, and reprobated as one additional feature of injuſtice for which he thought him anſwerable to the public.

As to the *impolicy* of the meaſure, though he agreed upon this topic to the uniform ſentiment of the Company at home, he would refuſe the argument where the meaſure was to ſuch an extreme degree violent and *unjuſt*—that he thought it ſafer to invert the argument of the noble Lord who ſpoke laſt [Lord Mulgrave], and who begun with policy, but aſſumed the

the juſtice of the act—for the difference would be this: if the policy was clear, the other queſtion remained; but if the meaſure was glaring in its injuſtice, no queſtion of policy would or could remain.

One article of impolicy, and one alone, Mr. Hardinge *would* mention; becauſe it was connected with his argument on the effect of juſtice and its firſt principles in the caſe before them. It *was* an *impolitic* meaſure, becauſe it ſunk and polluted the national character, when it ſtamped upon record the ignominious idea that the Engliſh name and ſword could be the hired and paid inſtruments of an Aſiatic tyrant, in a war which profeſſed extermination as the object, extermination of a whole race independent of him, and whoſe offence to *him* (for it was none to *them*), in the worſt colours of it, could have been expiated by atonement infinitely ſhort of thoſe extremities. Whether Colonel Champion's account of the actual cruelties, or the account given by Major Balfour, who ſerved under him, deſerved the moſt credit, Mr. Hardinge would not ſay. Colonel Champion might have been deceived by his own emiſſaries on the one hand, and Major Balfour might not have heard of cruelties which had exiſted, and had been proved in a manner ſatisfactory to Colonel Champion. But in the *general odium* of this war, and of the Engliſh name, as lent for the purpoſe, Colonel Champion ſtands uncontradicted.

The meaſure was *arbitrary* in the extreme, as between Mr. Haſtings and his *only maſters* the Directors—He diſobeyed in this act the letter and ſpirit of orders often repeated, and as clear in their principle as in the imperative authority of them.

"Defend" (ſay the orders) "your allies and yourſelves, "but never deviate one ſtep from that line."

They add a ſuperfluous, and perhaps dangerous proviſo, which is implied by the nature of the orders, and ſhould never have been expreſſed, namely, that he *may* deviate from them in a caſe of extreme neceſſity. The Right Honourable Gentleman who brought theſe charges againſt Mr. Haſtings, had well ſaid,

that in ſuch caſes it was *no diſobedience* to *diſobey*; but that it would be diſobedience to obey the letter in defiance of the obvious intention. But Mr. Hardinge could not help wondering at the jump which Mr. Haſtings had made from this qualification (ſtated often by himſelf as the only one that could limit his orders) to an idea which his Defence had expreſſed in theſe words, "a neceſſity immediate, *remote*, or "*eventual*."

Mr. Hardinge ſaid, however, that *he* would go beyond the caſe of extreme neceſſity, and would let in, as a juſtification of diſobedience, the obvious wiſdom and juſtice of the diſobedient meaſure, at leaſt as exculpating the act before the Houſe of Commons — But here the wiſdom and juſtice of the orders themſelves had been agreed.

Mr. Haſtings had, in his Defence, gone the length of aſſerting, not only that he was *not prohibited*, but that, in a fair and general view of the orders, they *authorized* him in the meaſure, To this bold aſſertion, and perfectly *new* (on the part of Mr. Haſtings), a reply was difficult. The orders told him that he was never to abet the political ſchemes of the country powers. But that was not all; and Mr. Hardinge was infinitely ſurpriſed, when he heard the noble Lord who ſpoke laſt [Lord Mulgrave] repreſent the orders to have been too general for an application to Sujah Dowlah. The fact was, that in the moſt pointed language they addreſſed themſelves to *him*, prohibited any help to *his* ambition, and in 1768 pointed at the very diſtinction which Mr. Haſtings had violated, by ſaying, "Defend him, if he is attacked; but "refuſe any part in offenſive meaſures upon his account, or "beyond the line of his dominions."

It was true, that in later advices the Company had ſaid (alluding to thoſe orders), "this being the *tenor* and *view* of the "Company": (apparent in ſuch orders themſelves, and the anxious repetition of them) but the inference drawn by Mr. Haſtings from that phraſe, namely, that the orders themſelves were

were *not poſitive* and *peremptory*, Mr. Hardinge could not allow nor underſtand.

It was true, that in one of their letters they ſaid, "Let "us know if any thing can juſtify our departure from the "ſyſtem, and *wait for our authority*:" from which premiſes the rapid logic of Mr. Haſtings had inferred a right in him to anticipate the change, and *ſuppoſe* the new orders; to execute them before they arrived, and, without waiting for them, to put his own judgment in their place.

It was true, that one ground for the poſſible change of ſyſtem in future had been ſtated by the Directors to conſiſt in alliances which might render it expedient. But what alliances? Thoſe which might be formed between the country powers, not between the ſervants of the Company and thoſe powers, in diſobedience to orders from hence.

Mr. Hardinge then laid ſtreſs upon the aſſent given by Mr. Haſtings himſelf to theſe orders, to their wiſdom, their juſtice, and their controul upon *him*. He ſtated many inſtances of the kind: a letter of the 10th of November, 1772, to the Directors—a letter to Colonel Champion upon the 7th of January, 1773—a letter of the 1ſt of March, 1773, upon the ſubject of the Mahrattas—but, above all, a letter to the Vizier himſelf, ſtating his difficulties upon account of theſe very orders which he *now* pretends to deſcribe, as having *authorized* the meaſure.

Mr. Hardinge ſaid a few words upon the *diſingenuity* of Mr. Haſtings, not as proving guilt in itſelf, to which he thought an impeachment applicable; but as marking his own conviction that he was acting ill in the meaſures which he *ſo* purſued, and *ſo* vindicated. He pointed out as marks of this diſingenuity the verbal and private arrangement at Benares—the concealment of the *real* treaty from the Board at Calcutta, and from the Directors at home. He demanded a reaſon for it—none had yet been aſſigned that could avail him. "The "fear of an intercepted account" had been treated with juſt

ridicule, and he defied any man to reſume it with a ſerious face. It was *diſingenuous* in the extreme to attempt ſo late in the day, a vindication by the guarantee, or by the junction of the Rohillas to the Mahratta force, neither of which he could prove, or prove himſelf to have acted upon.

Mr. Hardinge concluded by ſome remarks upon the ſuppoſed bar to this impeachment from length of time, and eſpecially from the reappointment of Mr. Haſtings by the Legiſlature.—The noble Lord in the blue ribband had been heard upon this argument, which he thought *ad hominem* was unanſwerable; for he would freely ſay, that nothing would aſtoniſh him (even in theſe days) more than to ſee that noble Lord vote for the impeachment of Mr. Haſtings upon the Rohilla war. But how did the argument reach or touch the public juſtice of the kingdom? The noble Lord had kept this intelligence a perfect ſecret from the Legiſlature, who had never dreamt of it when they appointed Mr. Haſtings to the ſame truſt again. It was a dangerous doctrine, that even a legiſlature ſo governed as that which the noble Lord had the honour of *conducting*, could hamper the kingdom at large or the government in better hands; but the danger was fifty fold, if *their* act was the reſult of *his* deluſion practiſed upon them. In one part of the noble Lord's argument, however, he perfectly coincided, and he deſired an anſwer to it. The Houſe had enquired into the Rohilla war, and had branded it upon their own records, when, if this bar and waiver had any force in them, they muſt with peculiar weight have interpoſed againſt an enquiry and ſentence of that kind, while the party was in the act of ſerving the public upon the faith and credit of this new appointment.

Mr. Fox. Mr. *Fox* roſe, but there being a general cry of "*Adjourn! Adjourn!*" Mr. Fox ſaid, he thought the cry a very proper one, and ſuch as he ſhould willingly give way to, as he had much rather ſay what he wiſhed to offer to the Houſe another

ther day, and the more eſpecially as he could not promiſe to be very ſhort.

The *Chancellor of the Exchequer* agreed, that it would be right to adjourn, but appealed to the candour of the Right Honourable Gentleman and his friends, whether if any Gentleman of the ſeveral he had ſeen on their legs, wiſhed to reply to the particular points in the very able ſpeech juſt delivered by an honourable and learned friend of his, in order to remove any impreſſion that they might think required to be inſtantly done away, they ought not to be allowed to ſpeak before the Houſe parted. Mr. Pitt.

This being univerſally aſſented to, Mr. *Vanſittart* ſaid a few words in juſtification of Mr. Haſtings's conduct relative to the negociation of the treaty at Benares, declaring he had two of the Company's principal ſervants with him, who knew what paſſed, and that he always committed to writing every conve ſation he held with Sujah ul Dowlah, as ſoon as he returned from it. Mr. Vanſittart.

The *Lord Advocate* alſo made a ſpeech againſt the reſolution and in favour of Mr. Haſtings. Lord Advocate

The debate was by conſent adjourned to the next day at *four* o'clock, and the Houſe roſe immediately, it being *half after* THREE in the morning.

Friday, June 2, 1786.

FARTHER DEBATE IN CONSEQUENCE OF THE CHARGES BROUGHT AGAINST WARREN HASTINGS, ESQUIRE, BY THE RIGHT HONOURABLE EDMUND BURKE.

SUPPRESSION OF CORRESPONDENCE.

Mr. *Francis* informed the Houſe, that having made a freſh diſcovery relative to the ſuppoſed correſpondence between Mr. Haſtings and Mr. Middleton, during the reſidence of the latter Mr. Francis.

ter in Oude; he thought proper to ſubmit it to their conſideration. Much of the inference which muſt naturally be drawn from the ſuppreſſion of thoſe papers, were attempted to be done away by a declaration, that they had been tranſmitted to Europe, and were now in the hands of the noble Lord, who was then in adminiſtration. He had, however, this day been informed by that noble Lord, that the fact was far otherwiſe, and that the papers, ſo far from being in his hands now, had never been in his poſſeſſion: ſo that, in the firſt place, Mr. Haſtings had expreſsly commanded Mr. Middleton to deliver up the papers to him, which orders Mr. Middleton complied with, though he had no occaſion at all to obey.——After which, having all the papers in his own hands, and of courſe the advantage of withholding as much as he thought proper of them, it appeared in the end that the noble Lord was not in poſſeſſion of any of thoſe papers which he was repreſented to have. On this circumſtance he ſhould make very little comment, more than to obſerve, that whatever ſuſpicion he might have always entertained of this correſpondence being of that ſort which would bring criminality home to Mr. Haſtings, he was now more confirmed in every ſentiment, and having that opinion, he ſhould never more ſolicit the protection of them.

The Honourable Gentleman ſaid the withholding of Mr. Middleton's correſpondence with Mr. Haſtings had every day teemed with ſome extraordinary circumſtance or other. Whenever the matter had been mentioned to him, he had been told again and again, that a complete copy of this correſpondence had been ſent over by Mr. Haſtings to a noble Lord, the Miniſter of the day, and he had been upbraided with not ſeeking for it where it was to be found. The noble Lord in queſtion had that day aſſured him that ſuch a copy was tendered to him by an agent of Mr. Haſtings, but that he had given it back to the party who offered it to him, and, of courſe, that it was not in his poſſeſſion. This information the noble Lord had given

given him leave to ſtate to the Houſe, and therefore he had thought it his duty ſo to do.

Major *Scott* ſaid it was very extraordinary that ſome means or other could not be found out for getting at this correſpondence. As to what had been mentioned, he could aſſure the Houſe, that Mr. Haſtings imagined that the noble Lord in queſtion had the copies of the correſpondence ſtill by him, having ſent them over in 1773, and as he had not heard a word of their having been returned, he had taken it for granted they were ſtill in the noble Lord's poſſeſſion. Had he been aware, the Major ſaid, that any thing more was likely to have been ſaid about it that day, he would have done what indeed Mr. Haſtings deſired him to do, whenever he underſtood beforehand that the ſubject was again likely to be adverted to, viz. brought down Mr. Haſtings's letter book, in which all his private letters were copied, and, if the noble Lord had, on previous application, given permiſſion, he would have read that letter from Mr. Haſtings to Lord North, acknowledging the honour of a letter from his Lordſhip, and informing his Lordſhip, that he had ſent him over atteſted copies of the whole of his correſpondence with Mr. Middleton, which he begged leave to ſubmit to his Lordſhip's uſe and diſpoſal, in what manner he thought proper. The Major mentioned that the letter to Lord North was dated in Feb. 1773. He added, that during the American war a letter from an officer high in the ſervice, in America, containing ſome opinions as to the beſt means of carrying on that war, had been ſent to the Miniſter of the War Department (the late Lord Sackville, then Lord George Germain), which letter, though docketted *private*, had been laid on the table of that Houſe, and it had occaſioned ſo much complaint on the ground of its being a breach of confidence, that the War Miniſter had thought it right to declare, it was brought down to the Houſe and laid on the table by miſtake. The Major applied this caſe to the requiſition of the private correſpondence of Mr. Haſtings. Major Scott.

Lord

Lord North. Lord *North* ſaid, it was very true that Mr. Haſtings had written to him in 1773. In the December of that year, Mr. Macleane waited on him and brought him a packet accompanied with a letter from Mr. Haſtings, dated Feb. 1773, which informed him that the packet contained atteſted copies of the whole of the correſpondence between Mr. Haſtings and Mr. Middleton, which he might open if he thought proper; but his Lordſhip ſaid, if he recollected the letter rightly, it rather gave him an option of reading the encloſures if he preſſed for it, than preſſed him to take the packet. The correſpondence in queſtion did not, he ſaid, refer to the Rohilla war, but to another plan then in agitation between Mr. Haſtings and Sujah Dowlah. He could not, his Lordſhip ſaid, at that diſtance of time, call to mind, whether he read the whole of the letters or not, or if he had, poſſibly he ſhould not have thought it right to have ſtated the contents to that Houſe under the circumſtances of the communication; but he had returned the copies at the time to Mr. Macleane, and had nothing at home but the private letter, which was among the other letters of the year.

Mr. Francis Mr. *Francis* ſaid a few words more, when

Sir Lloyd Kenyon. The *Maſter of the Rolls* roſe and ſaid, it was very extraordinary for the Honourable Gentleman ſo frequently to trouble the Houſe on the ſubject. It was now evident, that Mr. Haſtings had ſent the whole of the correſpondence to the noble Lord in the blue ribband, he ought, therefore to have applied to him for the copies. As to the excuſe of the noble Lord, that he had not read the letters, he would not, in mercy to the noble Lord in the blue ribband, ſuppoſe, that he had not read the whole of the correſpondence attentively. It was highly criminal in him not to have done ſo. Indeed it was the noble Lord's duty to have produced the correſpondence to that Houſe. Sir Lloyd ſaid a few more words in a ſimilar ſtrain, charging Lord North with neglect of duty.

Mr Francis Mr. *Francis* ſaid, the copies of the correſpondence had been ſent to the very perſon to whom they ought not to have been

ſent,

ſent, and withheld from the quarter to which they ought to have been tranſmitted. That there was no natural political connexion between the Governor General of India and the Miniſter of Great Britain. That the Court of Directors of the Eaſt-India Company were the perſons and the only perſons to whom Mr. Haſtings ought to have tranſmitted the copies of his correſpondence with Mr. Middleton; but he had refuſed to ſend them to that Board, though he had the expreſs orders of the Board ſo to do: he had therefore diſobeyed the orders of thoſe whom he was bound to obey, and had ſent to the noble Lord, who could not communicate what he received to any perſon.

Mr. *Vanſittart* roſe, but the Speaker declaring there was no queſtion before the Houſe— Mr. Vanſittart.

The *Chancellor of the Exchequer* ſpoke to order, and called upon the chair to enforce it. Mr. Pitt.

The SPEAKER ſaid, he was afraid that it was his fault that ſo diſorderly and irregular a debate had been ſuffered to proceed thus far. The Speaker

Lord *North* ſaid, he wiſhed only to ſay a very few words to the Right Honourable and learned Gentleman, who had ſaid, he roſe out of *mercy* to the noble Lord—— Lord North

The *Chancellor of the Exchequer* ſaid, undoubtedly as he had called one Honourable Gentleman to order, he could not act ſo inconſiſtently as to ſuffer any other Gentleman to continue the debate. Without meaning any incivility to the noble Lord, therefore, he muſt move the order of the day. Mr. Pitt.

CHARGES AGAINST WARREN HASTINGS, ESQ.

On the motion,

"That this Committee having conſidered the ſaid Article, "and examined witneſſes thereupon, is of opinion that there "is ground for charging Warren Haſtings, Eſq. with high "crimes and miſdemeanors upon the matter of the ſaid "Article."

The

The order of the day having been read, the Speaker left the chair, and Mr. St. Andrew St. John took his ſeat at the table.

Mr. Francis

Mr. *Francis* firſt roſe, and adverted to ſomething which had fallen in the debate of the preceding day, which ſeemed to inſinuate as if he and the Right Honourable Gentleman who brought forward the charges, had been actuated by motives of perſonal animoſity in the part which they had taken in this buſineſs. In reply to this, he recurred to that period when he, together with General Clavering and Colonel Monſon, had been ſent out by the Parliament of this country, to make ſome retrenchments and alterations in the ſyſtem of Government in the Company's territories abroad. In purſuance of this object they had uſed every exertion in their power. And if he might be allowed to ſpeak ſo much of his departed friends and colleagues, he would affirm that men of better hearts and ſtricter integrity than General Clavering and Colonel Monſon, had never been bred in this or any other country. General Clavering particularly was a man of high worth and conſiderable ſtation, who had no occaſion for aiming at that ſituation which Mr. Haſtings held, and which he was accuſed of having aſpired to; an accuſation which the following anecdote would ſufficiently do away. When Mr. Haſtings had given ſome intimation of this nature in the Council, General Clavering told him, that ſo far from having any deſign on his place, it was no ſmall object of difficulty to him in accepting the ſituation of Supreme Counſellor, that he was apprehenſive the appointment might have induced Mr. Haſtings to reſign his employment, and thus lay the Council under very great embarraſſments. And what was more, that previous to his going out, he had ſolicited an audience of his Majeſty, in which he ſued for ſome mark of favour for Mr. Haſtings, in order to reconcile him to the new appointment. General Clavering was, before he went out, ſixty years of age, which having ſpent with much honour and credit, there was little probability

probability that he could have tarniſhed for any poſſible exaltation at a ſtage of life when in the courſe of nature he could not have much time to enjoy it. When, he added, his colleagues were honoured with their appointments, ſo far from any perſonal diſlike to Mr. Haſtings, or even ſo far from any ſlight prepoſſeſſions in his favour, they went out with the moſt paſſionate admiration of his talents and character. That thoſe ſentiments were ſoon changed, was entirely owing to Mr. Haſtings's own conduct. The fact was, that neither General Clavering, Colonel Monſon, or himſelf, had the moſt diſtant idea of ſucceeding Mr. Haſtings; and ſurely if they had none, his Right Honourable Friend (Mr. Burke) could not poſſibly have any other motive than the conſciouſneſs of being right, for the proceedings he was now engaged in. It had often been aſſerted, that Gentlemen who ſpoke very freely of Mr. Haſtings and his meaſures in his abſence, would uſe much more care in the expreſſions they made uſe of, if he were preſent. For his part, he muſt confeſs, that he joined all the world in thinking, that Mr. Haſtings's firſt object, after his arrival in this country, would be to obtain a ſeat in Parliament, for the purpoſe of meeting thoſe accuſations. And if that had been the caſe, he ſoon would ſhew whether he ſhould avoid by his preſence from ſpeaking his opinions with the ſame freedom that he did in his abſence. It was on the contrary to him a very great reſtraint that Mr. Haſtings was not preſent, and he believed thoſe who knew any thing of what paſſed between them in India, would ſcarcely ſuppoſe that he would not be equally ready to accuſe him to his face. He confeſſed, that from the time he knew Mr. Haſtings, he had ſo fully condemned the whole of his public conduct, that he had not ſince ceaſed to uſe any method by which he could expect to have his proceedings condemned, and himſelf puniſhed. But he certainly would not be unmanly or unprincipled enough to carry his reſentment beyond the merits of his public conduct. The firſt thing which attracted

tracted the notice of him and his colleagues when they arrived in India, was the meaſure of the Rohilla war, which they immediately determined to condemn, and oppoſe as much as lay in their power.

They had conſequently demanded to have before them the correſpondence with Mr. Middleton, which was refuſed them under the pretence of its containing private affairs, which were unfit and unneceſſary to refer to. He then turned to the circumſtances of the preſent debate, namely the Rohilla war, and uſed many arguments to ſhew why Sir Robert Barker had not power to make the Company gurantees to the treaty between Sujah Dowla and the Rohillas. Among others, he conſidered this to be the ſtrongeſt, that in all the debates which took place on this ſubject in the Council, Mr. Haſtings uſed a variety of arguments in its juſtification; but never thought of expreſſing, what, if true, would be the moſt forcible and obvious one, that the Company were obliged by their guaranteeſhip to engage in it. After various proofs of the injuſtice of the war, and the Company not being in any reſpect obliged to engage in it, he next adverted to the cruelties which had been practiſed in the proſecution of the war. For this purpoſe, he read extracts of Colonel Champion's letters to Mr. Haſtings on the ſubject, wherein he drew a very melancholy picture of the ſufferings of the Rohillas, and the cruelty of Sujah Dowla, lamenting at the ſame time his own inability to prevent the ſhocking enormities to which he was every day witneſs: he deplored the ſituation which obliged him ſo often to appear blind to the ſeverities which he ſaw wantonly and unjuſtly inflicted, and deaf to the voice of diſtreſs and calamity: affirming alſo, that however he was obliged to ſuſtain this ſituation in public, he was ſometimes obliged to ſeek private opportunities of giving way to the influence of his feelings, and the calls of humanity.——These complaints, the Honourable Gentleman obſerved, could not be made from any pique to the Governor General, or a wiſh to ingratiate himſelf

himſelf to the new Counſellors; for Colonel Champion was then the defender of Mr. Haſtings, and had actually written theſe letters ſix months before the arrival of the Counſellors in Bengal. In the courſe of his ſpeech, Mr. Francis had recourſe to a great variety of references to papers; and read ſeveral extracts, through which it would be impoſſible to follow him. After reaſoning very ſtrongly on the ſubject, and detailing for the purpoſe of illuſtration a great part of the hiſtory of the Rohilla war, he at length addreſſed himſelf to the Committee, obſerving that their deciſion on this ſubject could not be confined to the mere acquittal or condemnation of Mr. Haſtings; it would equally apply to his Right Honourable Friend who brought out the charges, and it would alſo apply to him who had been the conſtant and ſtrenuous oppoſer of that ſyſtem, which they were now called upon to condemn. They were alſo to decide upon the conduct of thoſe great and worthy men, General Clavering and Colonel Monſon, who went in the ſame line of oppoſition to Mr. Haſtings. If they acquitted Mr. Haſtings, then he and his departed friends and colleagues muſt be wrong, and, what was more, muſt ſtand condemned; and if they found Mr. Haſtings guilty, they would only confirm that approbation which his opponents had uniformly met him.

Mr. *W. Grenville* prefaced his ſpeech with an apology for the neceſſity he felt of taking up more of the time of the Houſe than in their exhauſted ſtate they might be inclined to ſpare; indeed, he ſaid, he felt himſelf ſo fatigued, that it was with ſome difficulty that he ſhould be able to ſtate the arguments that weighed upon his mind, and had induced him to determine to give his vote in the way in which he meant to give it. He proceeded to take notice of ſome parts of the ſpeech of an Honourable and learned Friend of his (Mr. Hardinge) in the debate the preceding evening. The Honourable and learned Gentleman had, he obſerved, talked of the impropriety of that Houſe's conſenting to ſkreen a delin- Mr. *W.* Grenville.

quent

quent from public juſtice. Was that, he appealed to the candour of the Houſe, a fair mode of reaſoning on the ſubject? Was it to follow, becauſe that Houſe thought, upon good and mature conſideration, that Mr. Haſtings ought not to be impeached upon any one, or upon all of the charges exhibited againſt him, that the Houſe was chargeable with a deſire to *ſkreen* a delinquent from public juſtice? God forbid that they ſhould ever undertake the ſhameful taſk of ſkreening any delinquent from public juſtice; but God forbid, likewiſe, that from the fear of incurring ſuch an imputation, that Houſe ſhould improperly, or prematurely, and without due proof, conſent to prefer articles of impeachment againſt any man? Having put this very pointedly, Mr Grenville ſaid, he was ſorry to hear ſuch a ſpeech from his Honourable and learned friend, as he had ſpoken the preceding evening; for if ever there was an occaſion, when candid and temperate conſideration was neceſſary, it ſurely was the preſent. An appeal to the paſſions of the Houſe, and ſuch he conceived was by far the greateſt part of his Honourable and learned Friend's ſpeech, was highly unſeaſonable. He had, among other things, complained of a noble Lord's having aſſumed the juſtice of the war, and debated the policy. Surely the noble Lord had argued rightly; for the juſtice of the war muſt be aſſumed, in order to debate the policy, or he knew not how it could be reaſoned upon at all. Mr. Grenville here drew the line of diſtinction between public and private morality, and pointed out the differences between the two caſes. He alſo condemned the freedom with which the Honourable and learned Gentleman had alluded to Lord Clive, a man to whom, he ſaid, the Eaſt-India Company and the public ſtood very conſiderably indebted, and whoſe memory every friend to the intereſts of either muſt hold in the higheſt degree of veneration and reſpect. Having glanced at ſeveral parts of Mr. Hardinge's ſpeech, and oppoſed arguments in refutation of them, Mr. Grenville ſaid he had purpoſely gone through thoſe preliminaries, meaning

to

to confine himſelf in the remainder of his ſpeech to the queſtion itſelf, which he was of opinion depended altogether on its being aſcertained whether the war made upon the Rohillas by Sujah Dowlah was a juſt war or not. And before he attemted to ſtate his reaſons for thinking that the war was both juſt and neceſſary, he ſaid he muſt beg leave to complain of the unfair manner in which the Right Honourable Gentleman, the mover of the charges, had opened the ſubject of the charge then under conſideration. Above two thirds of his ſpeech had been devoted to aggravations of facts ſtated in the other charges, and which bore no relation whatever to the Rohilla war. This appeared to him to have been extremely unjuſtifiable, becauſe the obvious intention of the Right Honourable Gentleman had been to enflame the minds of the Houſe, and to prejudice them by general alluſions to matters not properly before them. He meant, therefore, as he had ſaid already, to take no notice of any of theſe extraneous matters, but to confine himſelf ſtrictly to the queſtion; and, in order to examine whether the Rohilla war was juſt or not, it was neceſſary to take a view of the ſituation of the country poſſeſſed by the Rohillas, and of the circumſtances which took place previous to the commencement of the war. Mr. Grenville here entered into a diſcuſſion of the difference between private rights and wrongs, and the injuries done to public bodies, or ſovereign ſtates. The law, he ſaid, in this country, was defined and aſcertained. When in a caſe of *meum* and *tuum*, an individual felt himſelf wronged, he had his remedy by an action at law, and the damages to be recovered were commenſurate to the ſize of the injury. Not ſo with ſovereign ſtates. With them the remedy depending altogether on the ſucceſs of arms, the conqueror, at the termination of the war, retained abundantly more in his hands than the mere balance of the wrong done him. This he illuſtrated by an alluſion to the peace of Paris. The war terminated by that peace commenced in conſequence of an invaſion and encroachment upon our back ſettlements in

America. The injury therefore was not extenſive, and yet, when we concluded the war, we retained all the province of Canada, and other conqueſts far exceeding any pretenſions of the injury we had ſuffered previous to our having taken up arms; and this ſort of right of victors holding more than what was commenſurate with the original wrong, the hiſtory of the world, he ſaid, proved to have been the practice in innumerable inſtances. Having laid this down very clearly, he proceeded to a minute detail of the various facts that led to the Rohilla war. He ſtated that we were the ally of Sujah Dowlah, whoſe intereſt naturally involved the intereſts of the Engliſh. That the Rohillas had ſtipulated by treaty to pay 400,000l. to Sujah Dowlah; that many applications both from Sujah Dowlah himſelf, and from us, through the medium of Sir Robert Barker, had been made to obtain payment of the debt. That the Rohillas had not only put off the payment on various pretences, but had inſidiouſly entered into a negociation with the Mahrattas. That their ſituation was ſuch as made it peculiarly deſireable, that they ſhould remain firmly attached to Sujah Dowlah, or be removed from the country they occupied, which lay between the territories of Sujah Dowlah and the country poſſeſſed by the Mahrattas. They conſequently formed a part of the barrier of Sujah Dowlah, and, while they remained inimical to the Vizier, were deſervedly objects of great jealouſy and diſcontent.—In order to recover the 400,000l. and at the ſame time to remove ſo dangerous and irkſome a neighbour, Sujah Dowlah commenced hoſtilities againſt the Rohillas, and as Sir Robert Barker had ſigned the treaty, and had been the means of its being entered into, the Rohillas and the Vizier having mutual diſtruſts of each other, we were called upon, being conſidered in the light of a guarantee to the performance of the conditions ſtipulated in the treaty. Whether we were to be deemed guarantees in the formal ſenſe of the word, Mr. Grenville ſaid, appeared to him to be matter of little import. The treaty was certainly

certainly entered into by the Rohillas, in conſequence of their confidence in the Engliſh. We were the allies of Sujah Dowlah, and if it was his intereſt that the Rohillas ſhould be removed, it was equally our intereſt, as the ſtrengthening of Sujah Dowlah's barrier againſt the Mahrattas was an object of infinite importance to us. The policy of the war, therefore, was clear and undeniable, nor was the juſtice of it more open to objection. The Rohillas had ſtipulated to pay 400,000l. They evaded the payment, and a war was commenced againſt them; but not, as the Right Honourable Gentleman had ſtated, without previous application for payment; application had been repeatedly made to them on the part of Sujah Dowlah, and on the part of the Engliſh, by Sir Robert Barker, who had ſtated in his evidence, that he ſtaid in the Rohilla country after the Britiſh Brigade was gone, expreſsly for the purpoſe of expediting the payment of the 400,000l. The war therefore was both juſt and neceſſary. With regard to the conduct of the war, Mr. Haſtings was by no means accountable for it, nor indeed had any of the witneſſes imputed the ſmalleſt ſhare of blame to him reſpecting it.———Having thus contended for the juſtice and the neceſſity of the war. Mr. Grenville entered into a long train of reaſoning to prove that there was ſound policy in prevailing on the Rohilla army, who were unfriendly to Sujah Dowlah, and inſidiouſly bent towards the Mahrattas, to remove from a country, their remaining in which was ſo much an object of jealouſy and alarm. He conſidered the bad conſequences that might follow their continuing in Rohilcund, or their joining the Mahrattas, and dwelt in terms of encomium on the ſucceſsful plan of prevailing on them by treaty to croſs the Ganges, obſerving at the ſame time that their women and children had been previouſly ſent away by them, which proved how very oppoſite the removal of the Rohillas was to the *extermination of a whole people*, as the Right Honourable Gentleman, who drew the charge, had thought proper to ſtate the fact to have been.

Mr. Hardinge.

Mr. *Hardinge* anſwered Mr. Grenville, having firſt made an apology to the Houſe for preſuming to detain them a very few minutes with a reply (in ſelf-defence) to his Right Honourable and much-reſpected friend who had ſpoke laſt.

He had by him been accuſed of an appeal to the paſſions. If, ſaid Mr. Hardinge, to addreſs the feelings of the Houſe upon thoſe firſt principles of juſtice, which admit of no argument, and are nothing if they can't be *felt* better than *reaſoned*, is an appeal to the paſſions, I plead guilty.—In that light I ſtated the compact between Mr. Haſtings and Sujah Dowlah, for the extermination of a whole race, upon its own terms; a compact, which undertook to leave no veſtige of any one man from that race in the country which they had occupied, becauſe one of their Chiefs had evaded the payment of a ſum due to our ally the Vizier. I ſtated the *fact*, and ſcarce made any comment upon it, but an appeal to the obvious impreſſions of them in good and generous minds. In every other view of the charge againſt me, I plead not guilty of the intention, but may have erred from the want of power in my underſtanding to diſtinguiſh between argument and paſſion.

As to Lord Clive, I have always borne teſtimony to his character as an able and great man, to whom the India Company owed infinite obligations, and this country too. I laid ſtreſs upon that very circumſtance for the purpoſe of ſtating the uſe made of it, by a dangerous example of protecting *crimes*, where the character had parts of it highly meritorious: and that he had committed one crime of the worſt example—that of receiving corrupt preſents—the records of parliament would prove; though it is no leſs true, that, with unexampled and fatal dexterity in thoſe who were his advocates, the judgment of his guilt is followed by an encomium upon his "*long and able ſervices.*"

As to miſrepreſenting the noble Lord who had ſpoke juſt before him (Lord Mulgrave), he was not conſcious of it. The noble

noble Lord had ſaid he would firſt argue on the policy, and aſſume the juſtice—Mr. Hardinge had thought it manlier and more becoming to begin with topics of juſtice, becauſe, if the meaſure was groſsly unjuſt, in which light he ſaw it, no queſtion of policy would remain, as no policy could ſhelter it.

He explained what he had meant by ſaying that *probable ground* would juſtify the impeachment. As it was *ex parte* evidence, it *could* be no other ground; but he had no ſcruple to admit in expreſs terms, that he thought it ſhould be ſo probable as to merit, if no anſwer was given to it.

This vindication of himſelf againſt a perſon for whom he had infinite reſpect, and who, tho' gentle in his manner, was formidable to him by his character, he hoped the Houſe would be ſo indulgent as to forgive.

Mr. *Anſtruther* began with ſtating, that, important as the queſtion was of itſelf to the individual concerned, to the character of the nation, and to our poſſeſſions in India, its importance was infinitely increaſed by what he had heard that and the preceding day; it involved not only the puniſhment of paſt crimes, and the condemnation of principles the operation of which had ceaſed, but the reprobation of meaſures, the principles of which, though condemned by every body of men who had had any opportunity of judging upon them, appeared ſtill to be juſtified, ſupported, and approved of by two of the members of that Board which had been eſtabliſhed for the Government of India. In puniſhing what was paſt, the Houſe would effectually prevent meaſures equally diſgraceful to the nation as deſtructive to every principle of juſtice and policy. At preſent there was one and only one ſecurity to the public, againſt the adoption of ſuch principles, and againſt their being again carried into effect in the Government of India: viz. that the leading member of the Board differed eſſentially from his colleagues, and diſapproved and condemned the Rohilla war, as much as they approved of and applauded it. Mr. Anſtruther.

There was another reaſon why he thought the Houſe called upon in a particular manner to reprobate the principle and condemn the author of the Rohilla war. It was not only approved of and juſtified by two members of the Board of Controul; but thoſe principles which gave riſe to it, had been left to the preſent Government of India, by Mr. Haſtings, as a political legacy to his ſucceſſors: two almoſt of the laſt acts of his Goverment had been to recommend the lending of the Company's troops for money to a foreign power, in order to deſtroy an innocent people, and to exhort the Council to increaſe their territories at the expence of their neighbours, and on the pretence of improving their frontier, and ſtrengthening their boundary. He alluded to the propoſal for lending Sir J. Cumming's detachment, to conquer the Seeks, and to the inſtruction to Mr. Briſtow to aim at the acquiſition of two conſiderable diſtricts, in order that we might have the river Dava for a boundary, both founded upon the ſame unjuſt principles which directed and carried on the Rohilla war.

The Right Honourable Gentleman who ſpoke laſt, had ſaid that there was no tribunal to which contending nations could appeal. The propoſition was true, but the inference he (Mr. Anſtruther) drew from it, was, that it became rulers to be doubly cautious, to be anxiouſly ſollicitous, that their conduct was governed by principles of juſtice. But here, as the propoſition was, it did not in the preſent caſe apply, if the argument upon which the war was defended was well founded. If there was a guarantee, the Engliſh were the tribunal to which the contending parties were to appeal. It was their duty to enquire which party had been wrong, and to ſupport the nation which had been in the right. One of the charges againſt Mr. Haſtings was, that, though he now defended himſelf under a ſuppoſed guarantee, he had obſtinately refuſed all enquiry, and had taken arms againſt the Rohillas, without even the pretence of calling upon them to perform their agreement,

agreement, and without any inveſtigation whether they had performed it or not. A noble Lord (Lord Mulgrave) had found a ſingular mode of defending this conduct: on the one hand, he contended that the Company were guarantees; on the other, he contended that the orders from home prohibited the Council from being umpires: and he juſtified Mr. Haſtings for beginning a war to the utter extirpation of a people, without the leaſt enquiry into its juſtice; becauſe, if he had made any enquiry, he would have made himſelf an umpire, and thus diſcharged the orders of his maſter. His definition, therefore, of a guarantee, was blindly to take a ſide, without enquiry to determine, without inveſtigation, and to ſupport one party, without knowing whether they were right, or whether they were wrong.

The orders of the Company had been ſtated by the ſame noble Lord, as if they had applied only to particular caſes, and not as general rules, for the direction of the ſervants abroad. The fact was directly the reverſe. The orders were, and profeſſed to be, "A General Syſtem for the Government of India." The principle of that ſyſtem was equally wiſe and juſt. "To avoid offenſive war; not to engage in the ſchemes of the country princes; to be equally indifferent as to the quarels, defeats, and victories of every Indian power whatſoever;" and, particularly, "to leave Sujah Dowlah to execute any ambitious views of his as well as he could."

But if the war was unjuſt in its principle, as he hoped to prove that it was, it mattered little whether it was forbidden or not. It required no orders of the Company to prohibit injuſtice. The law implanted in every man's breaſt the ſtrong injunctions of poſitive duty, and called upon every man to do juſtice, whether he was ſpecially directed or not. It was enough for him, that Mr. Haſtings was conſcious of the obligations which his duty impoſed on him; and this his letter in the year 1772 proved demonſtratively.

Two grounds had been taken to ſupport the juſtice of the

Rohilla war, the one founded on the ſuppoſed treachery of the Rohillas, the other on the ſuppoſed guarantee of the Company—As to the firſt, it was totally void of foundation —They were accuſed of having treated with the Mahrattas; Mr. Haſtings's own account of that tranſaction was a complete juſtification: ſpeaking of it, he ſays, they have treated with the Mahrattas, "to which they were impelled by neceſſity;" and what was ſingular, Hafez Rhamet gives the ſame account of the tranſaction, that he had been forced to treat with them while our army was abſent. What Mr. Haſtings admitted and they alledged to be the effect of dire neceſſity, was now imputed to them as an act of treachery. But farther, at the commencement of this war againſt the Rohillas; ſo far from being the allies of the Mahrattas, they were in full march to take poſſeſſion of a part of their country. The Vizier, in his letter, ſays, "They are going to take poſſeſſion of the Doab, a country which formerly belonged to the Rohillas. This I will not ſuffer, I will undertake an expedition againſt them." This was the real cauſe of the war, and proved to demonſtration that there was no treachery on their part: the non-payment of the money was indeed thrown in as a make-weight, while the other was the real as well as the oſtenſible cauſe of the war.

As to the ſuppoſed guarantee, no propoſition could be ſo clear as that it did not exiſt. On the face of the treaty there was no appearance of it. The perſon who witneſſed it (General Barker) had no power to enter into a guarantee; he poſitively denied he ever did enter into one, or intended to do it. Mr. Middleton, though in his evidence he ſays that atteſting a treaty is a guarantee, yet, when writing to Mr. Haſtings with relation to another treaty atteſted by Colonel Champion, exactly in the ſame form as the one in queſtion, ridicules the idea of ſuppoſing an atteſtation to be a guarantee, and poſitively declares (though in his evidence he chooſes to declare the reverſe) that in India a guarantee is never underſtood,

ſtood, unleſs it appears in direct words on the face of the treaty. But what is deciſive of the queſtion, Mr. Haſtings never acted on it as a guarantee, nor in India did he juſtify himſelf on it as ſuch. The Gentleman who ſpoke laſt had ſaid the Rohillas were induced by a treaty; the only inducement was violence and force, and that treaty which now was made a defence, was in fact an aggravation of the crime. Colonel Champion writes to Mr. Haſtings, that he had it in his power to enter into a treaty with Fyzoola Cawn. Mr. Haſtings replies, "Make no treaty, the end will not be anſwered by a treaty; the object is to exterminate the Rohillas, and to give their country to the Vizier." Had there been the leaſt idea of a guarantee, had the recovery of 40 lacks been the object, it was Mr. Haſtings's duty to enter into accommodation to accept a treaty. He had it in his power before Colonel Champion entered the country, and during every moment of his continuance; but extirpation and not treaty was the object. There was one fact which, while it diſgraced the Engliſh name, proved to demonſtration that no idea of a guarantee ever exiſted.

While Colonel Champion was purſuing his conqueſts, he came to a people who had ſucceſsfully reſiſted the arms of the Rohillas, and who lived independent within the diſtrict marked out for conqueſt under their own Chiefs. The humanity of the Britiſh Commander ſtopped the army till he got orders from Calcutta. Mr. Haſtings returned for anſwer, "Till we received your letter, we were ignorant that ſuch people exiſted; we imagined the whole country to be in the power of the Rohillas; but as the ſhorteſt expedient, we direct you to conquer them too." Where was the idea of guarantee, when principles ſo deſtructive of juſtice, and diſgraceful to humanity, guided our arms?

Mr. Haſtings's own conduct at the time of the tranſaction proved his ſenſe of it. It was concealed. He indeed ſays he wrote to the Directors as much as was eſſential for them to know.

know. Was it not eſſential for them to know, that a treaty had been entered into, to exterminate a people by their arms? He then ſays the tranſaction was dropped, it was to depend on future occurrences, many delicate points were to be ſettled before it took place. Neither of theſe aſſertions were agreeable to the fact; the treaty was complete, definite and final. It was indeed to have a future operation, but it was not to depend on future occurrences, nor were there any points of any ſort to be ſettled. The ſole and only reaſon given by the Council for adopting it was, that it was final and concluſive. Yet Mr. Haſtings never to his maſters hints at it, but in the terms above mentioned.

Nor was this all: when this ſecret verbal treaty came to be revealed to the Select Committee at Calcutta, by the requiſition of the Vizier for the troops, the bargain is repreſented as advantageous, and is adopted for the ſingle reaſon of what had paſſed at Benares; but when it is laid before the Council at large, it aſſumed a ſhape which was plainly calculated to deceive, and which, in effect, did deceive them completely. That which had to the Select Committee been repreſented as advantageous, was now alledged to be embarraſſing. It was impolitic to enter into the war on the one hand; it was, on the other, impoſſible to avoid it without the appearance of artifice to the Vizier. How to eſcape from the dilemma was the then apparent object of Mr. Haſtings, how to avoid the war was the object of the conſultation of the Board. All agree that it is to be avoided, none can deviſe the expedient, till it is hit off by Mr. Haſtings; he propoſes to add conditions to the bargain which the Vizier, as he ſays, "is too wiſe to accept," to impoſe conditions which were to have the effect of making him reject the proffered aſſiſtance. The Council rejoice at the idea, the terms are propoſed, and what muſt be every man's aſtoniſhment, when he hears that thoſe hard terms, which were inſtantly to be rejected, were the very terms which had been privately agreed between Mr. Haſtings and

and the Vizier, to be the only terms on which the aid ſhould be granted by the one, and accepted by the other. After ſuch a conduct of concealment and deceit, could any man doubt what were Mr. Haſtings's ideas of his own tranſactions? His conduct was that of a man conſcious that his acts would not bear the light, and convinced of the impropriety and injuſtice of his own proceedings.

Much had been ſaid of the cruelty with which the war had been carried on. If the war was unjuſt and unprincipled, it was a poor defence that it had been conducted only with the uſual horrors of Indian war. It was matter of aggravation if it was cruelly conducted, and matter of mitigation if otherwiſe; he ſhould therefore leave that topic to that place where it could be properly urged, he meant to that tribunal which was to inflict the puniſhment. He would only obſerve that Colonel Champion had poſitively aſſerted he could have prevented all the cruelty complained of, had Mr. Haſtings given him the authority which he obſtinately denied him.

Mr. *Younge* thought the motion not ſufficiently intelligible, and therefore moved, by way of amendment, to leave out certain of the words of the motion, and in their ſtead to inſert the words "*and to be impeached thereupon.*" Mr. Younge

Mr. *St. John* ſaid, as the Houſe had already voted that the preſent words (which had been moved by way of amendment the preceding day) ſtand part of the queſtion, none of them could, agreeable to the order of the Houſe, be left out. Mr. St. John

The *Chancellor of the Exchequer* aſſured the Hon. Gentleman that his motion was unneceſſary, as the word *charge* in the original amounted exactly to the ſame meaning as the word *impeachment.* Mr. Pitt.

Mr. *Fox* agreed in this opinion. Mr. Fox.

Mr *Younge* explained more fully what he meant by his amendment, declaring he was a profeſſed enemy to the trial of the Earl of Strafford, where the impeachment was made from a congregation of a variety of minor charges. In this caſe he wiſhed Mr. Younge

wiſhed not to agree to collect a number of *peccadilloes* to furniſh out one *peccatum*. If each article ſeparately was ſufficiently criminal to deſerve impeachment, he would agree to vote that it contained *matter of charge fit for impeachment*, but not otherwiſe.

Mr. Fox. Mr. *Fox* replied; and declared that, as a *judge*, he deteſted and abhorred the conjoining many *peccadilloes* to make one *peccatum*; but the caſe was widely different when he was acting as an accuſer.

Mr. John Scott. Mr. *John Scott* (of Weobly) perſiſted in his opinion of the preceding day, that it would be the higheſt injuſtice to vote general reſolutions like that before the Committee, inſtead of ſpecific charges. He aſſigned as a reaſon, that it might happen, if they perſiſted in the preſent mode of proceeding, that they might vote twenty-two general reſolutions; whereas, if they were to divide each of thoſe general reſolutions into their ſpecific charges, no one of them might be voted by the majority of the Houſe. Mr. Scott replied rather pointedly to a remark of Mr. Fox the preceding day, who had ſaid that he would always watch that profeſſion in their arguments.

Mr. Fox. Mr. *Fox* declared, none but a fool or a madman would deſpiſe or hold the learned profeſſion in contempt. He had a very high reſpect for it, as well as for the Honourable and learned Gentleman in particular, whoſe great abilities and high character entitled him to the reſpect of every man. He did aſſure the Houſe and the learned Gentleman, that he meant nothing more by ſaying, "he would watch the arguments of Gentlemen of that profeſſion," than that the Gentlemen of the law, from being in the habits of a peculiar ſtyle of reaſoning, were apt to infuſe that ſtyle into their arguments in that Houſe, inſtead of adhering cloſely to parliamentary forms, with which Members of Parliament, having little elſe of buſineſs to attend to, were frequently much more converſant and correct. Mr. Fox ſaid, he ſhould have had no objection, had the propoſed amend-

amendment ſtood part of the queſtion originally, as it was clear the Chancellor of the Exchequer and he thought exactly in the ſame way reſpecting it, but he did not like to add it to the queſtion, as the word *and* ſeemed to imply ſomething more than they both meant.

Mr. *Norton* confeſſed he had not been able to make up his mind, or form a judgment ſtill to his ſatisfaction on the ſubject under deliberation, but that he found himſelf rather relieved by an idea that had been ſuggeſted to him from ſomething that had fallen from the Right Hon. the Chancellor of the Exchequer—that the queſtion, as it now ſtood, was of that complicated nature, which any member had a right to divide, and have put ſeparately—which he deſired might be done; for though he was ready to ſay there was criminal or impeachable matter in the tranſaction of the Rohilla war, he might not be prepared to declare, that, under all the circumſtances of that war, and others which have occurred ſince in favour of Mr. Haſtings, it was at this time fitting or right to come to a reſolution to impeach him; and, above all things, in caſe he ſhould be now acquitted of this ſeparate charge, he deprecated the idea of introducing it hereafter as any part of a more complicated accuſation againſt him—which would be very like trying a perſon twice for the ſame offence, contrary to every principle of law and juſtice. Mr. Norton.

The *Chancellor of the Exchequer* roſe again to explain what he really meant, and before he ſat down, he ſaid, he did wiſh the words *and to be impeached thereupon* might be added, in order to remove all doubts as to what the motion meant. Mr. Pitt.

This occaſioned a deſultory converſation of near three hours continuance, in which there was a great deal of warmth on all ſides, and ſome aſperities paſſed between Mr. Fox and Mr. Pitt. The other ſpeakers were Mr. Younge, Mr. J. Scott, Mr. Wilberforce, the Attorney General, Mr. Powys, Mr. Sheridan, Mr. Windham, Mr. Norton, Mr. Burke, Mr. Groſvenor, Mr. Jenkinſon, Mr. Bouverie, Mr. Rigby, Mr. *Cornwall*, and ſome others.

Mr. *Jenkinſon* happened to drop the word *influence* in his ſpeech,

ſpeech, on which Mr. *Sheridan* and Mr. *Fox* raiſed a good deal of ſevere ridicule, particularly the latter.

Mr. Jenkinſon. Mr. *Jenkinſon* treated what they had ſaid reſpecting the word "influence," as he ſaid he ever had treated all the vulgar wit without doors upon the ſame ſubject, with perfect indifference and contempt. He defied any man to prove that he had ever exerted any undue or improper influence whatſoever within thoſe walls or elſewhere.

Mr. Pitt. The *Chancellor of the Exchequer* at length moved to withdraw the propoſed amendment, and to add the words "by impeachment" to the motion.

This occaſioned a freſh converſation, in the courſe of which Mr. *Fox* complained of the Chancellor's having dealt unfairly by them, as he ſaid he underſtood that the Right Honourable Gentleman had a few days ſince entered into a compromiſe with him and his friends as to the mode of proceeding in the Committee.

Mr. Pitt. This the *Chancellor of the Exchequer* replied to, denying that his adhering to the amendment he had propoſed, afforded any ground for a charge of inconſiſtency, or departure from the implied agreement alluded to.

At length the queſtion was put and carried for the amendment, Mr. *Fox* and his friends not chuſing to divide on what they termed a ſide-queſtion.

Mr. Bouverie. Mr. *Bouverie* then moved to add to the motion, by way of farther amendment, theſe words, "If any impeachment ſhall finally be preferred againſt the ſaid Warren Haſtings."

Mr. Sheridan. Mr. *Sheridan* ſupported this motion, and earneſtly recommended it to the Committee to adopt it.

The Committee divided on it, *Ayes* 65, *Noes* 140.

The Debate on the main queſtion then proceeded.

Mr. Burton. Mr. *Burton* made a very elaborate defence of the conduct of Mr. Haſtings upon the ſubject of the Rohilla war. Tracing every

every ſtep of the buſineſs, and juſtifying it with ſtrong argument. With reſpect to the charges of cruelty, Mr. Burton ſaid, he was well aſſured that no ſuch imputation could attach to Mr. Haſtings, whoſe characteriſtic was humanity almoſt to a womaniſh weakneſs.

Mr. *Wilberforce* began with obſerving, that had the motion continued in the ſhape in which it had been originally brought forward, he could have contented himſelf with giving a ſilent vote, and ſhould have felt no difficulty in coming to a deciſion: many parts of the charge as it then ſtood appeared to him to be in no degree ſupported, and others contradicted by the evidence which had been adduced; but as the queſtion then ſtood, he confeſſed he was under no common embarraſſment; his feelings were of a nature ſo diſtreſſing, that he could not keep them to himſelf, and he would endeavour as ſhortly as poſſible to explain them to the Houſe, and to ſtate the motives which would determine his vote, though he feared the exhauſted condition both of his mind and body, after ſo tedious an attendance, would prevent his doing it either to their ſatisfaction or his own.— Mr. Wilberforce then proceeded to examine the grounds on which the Rohilla war had been attempted to be juſtified, declaring that none of them appeared to him to be in any degree ſatisfactory. He never could admit that the Eaſt India Company could be conſidered in the light of a guarantee to the treaty between the Vizier and the Rohillas; a bare ſignature was in no other inſtance deemed ſufficient, except the party ſigning had received an expreſs commiſſion to ſign, and commonly to put his ſeal; and Sir Robert Barker himſelf had, at the very time of ſigning, written a letter to the Council, exculpating himſelf from the imputation which had been thrown on him, of intending to involve and compromiſe the Company in the engagements between the Vizier and the Rohillas, and expreſsly aſſerting, that nothing was farther from his thoughts: but if they had been guarantees, and the treaty had been broken, what was that treaty, the execution of which they were to guarantee

Mr. Wilberforce.

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and ſecure? That the Rohillas ſhould pay the Vizier 40 lacks —But could they obtain for the Vizier his 40 lacks no otherwiſe than by expelling the whole people from their country? Would it be admitted for a moment, that the terror of the Engliſh arms, when united with thoſe of the Vizier, would not have terrified the Rohillas into a compliance with the demand? An Honourable friend of his, Mr. Wilberforce ſaid, had reſted the defence of the war wholly on its juſtice, and that juſtice on its neceſſity. It was on this ground he would be content to put it, and on this ground he could not but condemn it in the ſtrongeſt terms. The argument had been attempted to be eked out by aſſerting, that the Rohillas were in treaty with the Mahrattas; but no proof whatever had been brought of this aſſertion; certain it was, that no cordial affection ſubſiſted between them and the Vizier, and no wonder, for he had always declared his hoſtile intentions towards them, and had ſaid to Sir Robert Barker, at the very time he was making the treaty with them, that he knew his feelings with reſpect to them, and declared he meant to ſubdue them at ſome time or other.— What then had been our conduct? Knowing the ſentiments of this man, we had united with him, and had afterwards aſſiſted him to bring the Rohillas into ſubjection.

It had been ſaid that we had been merciful to them in ſaving them from the Mahrattas: but how did this argument hang together, when in the ſame breath we were told that they were on terms ſo friendly with the Mahrattas, and ſo likely to unite with them, that the probability of this event was one of the principal reaſons for their expulſion? The fact was, Mr. Wilberforce declared, that there was all along from the very firſt a deſign to exterminate this people, which appeared moſt abundantly in all the papers of that period, which he had examined with great care and pains: and ſorry he was to ſay, that on the ground on which he condemned the meaſure, the whole Council ſeemed to have been guilty alike, no one having argued the queſtion on the footing of its injuſtice, but only on principles

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of policy, by which he thought it was to be defended completely; but ſurely no political expediency, however it was made too often the rule of conduct amongſt civilized nations, could acquit us of that great obligation of morality, *to do to others as we would they ſhould do to us*, or juſtify an act ſo marked as the preſent with violence and oppoſition. It had been alledged that theſe Rohillas were not the original inhabitants of the country; to which it had been well replied, neither were the Engliſh. What were they but the Rohillas of Bengal? In fact, would not the admiſſion of this principle juſtify our driving out every governing power in India, for the government was no where in the hands of the Hindoos, the old poſſeſſors of the ſoil? Mr. Wilberforce was of opinion, that Mr. Haſtings's diſcretion was not meant to be wholly taken away by the Company's orders, yet this action being ſo oppoſite to the general ſpirit of them, was certainly an aggravation of its guilt; but what he thought a much greater was, the character of the man into whoſe hands we had conſigned the Rohillas. The charge of cruelty, as it had been urged againſt Mr. Haſtings, had never been in any degree brought home to him. It had been moſt ingeniouſly repreſented, as if with a nod he could have put a ſtop to theſe barbarities, ſuppoſing that they exiſted, and did not; but though this was ſo, yet Mr. Haſtings muſt certainly be conſidered as being in ſome meaſure anſwerable for them, becauſe he ought to have reflected beforehand, what it was to put the ſword into the hands of a violent and vindictive tyrant, and to have foreſeen the conſequences which might be expected to follow. After all that he had ſaid, however, Mr. Wilberforce declared, that he felt the utmoſt difficulty in coming to the determination of the queſtion, and this was on a ground which had been given up by all ſides; he meant the length of time which had elapſed, and the circumſtance which had intervened ſince this tranſaction had paſſed. No one had more forcibly proteſted againſt any thing like what had been termed a *ſet off*, than a Learned Friend of his near him; but if his Learned

Friend would reconſider his argument, he was ſure he would ſee its fallacy. If his Learned Friend and he were abſtractedly examining into the good and bad of any hiſtorical character, he might be inclined to admit the doctrine; but it was not in this balance that the demerits of Mr. Haſtings were now to be weighed; againſt an action acknowledged to be bad were to be ſet years of painful ſervice—What was it but to ſay to Mr. Haſtings, "You have committed an action extremely criminal, and deſerving of puniſhment; but we will not puniſh you at preſent; you are uſeful to us in your preſent ſituation, and we will therefore again and again re-appoint you to it; but when for a period of 13 years you ſhall have ſtrained your faculties, you ſhall have racked your abilities, you ſhall have impaired your conſtitution, you ſhall have hazarded your life in our ſervice, engaged in tranſactions of the moſt difficult and critical nature, which muſt ſupply matter for the miſrepreſentations of your enemies, and enable them to obtain that ſentence againſt you by prejudice, which they would in vain attempt by argument; after all this, when you ſhall chooſe yourſelf to return to a life of quiet in your native country, then we will criminate you for your firſt offence; for then we ſhall not be ſufferers from your puniſhment." This was like the treatment we gave to ſome of the brute creatures, whoſe faithful ſervices we at length rewarded by the knife of the butcher. No man, Mr. Wilberforce ſaid, felt all this more ſtrongly than he did; but yet when an action like the preſent was brought before him, he could not but condemn it. He ſincerely lamented the neceſſity, but there was no alternative; and he ſhould certainly, therefore, give his vote for the motion of the Right Hon. Gentleman.

Mr. *Fox* entered largely into the ſeveral heads of argument uſed by the Gentlemen on the oppoſite ſide, obſerving, that he was the more convinced from the nature of the topics brought in ſupport of the contrary opinions. A Right Hon. Gentleman (Mr. Grenville) had attempted to argue in favour of Mr. Haſtings, from his general character; he had ſtated him as mild, humane,

humane, and gentle in his manners to an extreme, and therefore not likely to be guilty of that ferocity and ſavageneſs of diſpoſition that could alone juſtify the conſtruction which the Houſe was called upon, by the motion of his Right Hon. Friend, to put upon his conduct. There was, he ſaid, very little reliance to be placed on a man's private deportment and breeding, as a criterion of his real diſpoſition. It too often happened that a refined exterior, obliging manners, and a gentle, placid habit of intercourſe with his equals, covered the moſt unrelenting, ambitious, and violent temper. The forms and habits of private life, and equality of condition, were calculated to ſtifle and conceal the deeds of perfidiouſneſs, of cruelty, and of pride, which arbitrary power—the trueſt teſt to which the heart of man could be put—would at once bring forth, nouriſh, and ripen. But the Right Hon. Gentleman had not only argued from the character of Mr. Haſtings,—he ſeemed to be an univerſal obſerver of characters in general, and had repreſented the character of the Rohillas to be ſo baſe as to juſtify any cruelty that might have been inflicted on them. He cautioned the Houſe how they lent their ears to ſuch arguments as thoſe; they were ſuch as the perſecutors of old uſed to vindicate their enormities. The Right Hon. Gentleman had not only deſcribed the Rohillas as abandoned and treacherous in their practice, but in their tenets and their principles; this was ſurely the very language of perſecution. It would be bad indeed if we were to ſuffer ourſelves to be influenced by our opinions of the general character of ſuch nations as we were connected with. The preſent inſtance proved the danger of it ſufficiently, and if we were entitled and had the power to uſe every nation that differed from us in religion, in general tenets of morality, or in habit and practice, as we had done the Rohillas, we ſhould ſoon leave the world a deſert. But if the doctrine of exterminating every perfidious, cruel, and unprincipled nation were to be eſtabliſhed, what would become of Great-Britain, when it ſhould be known in the world, that the

contriver and perpetrator of the Rohilla war, inſtead of meeting with diſgrace and puniſhment on his return, was fortunate enough to be received with applauſe and congratulation by his employers, and was not deſtitute of defenders and ſupporters even in Parliament!—He paid many compliments to Mr. Hardinge for the ingenuity of his reaſoning, and the ſoundneſs of his doctrine on the ſubject of political morality, inſiſting that good faith and purity of conduct were as neceſſary in a ſtateſman as in a private perſon; and he challenged any man to prove, that any ſtate had even dared to avow, as juſtifiable and proper, thoſe pernicious maxims of policy, which, though they diſgraced the hiſtory of ſome nations, were yet diſclaimed and reprobated by all. It was not the verbal arguments of men deſirous of accommodating principles to a particular caſe that were to be attended to; it was the general uniform voice of mankind alone that ought to be held as authority. That general voice was loud in its reprobation of thoſe dangerous maxims of lax and corrupt morality, which the Right Hon. Gentleman had laid down as arguments in defence of Mr. Haſtings's conduct. He was ſorry to hear ſuch doctrines from the Right Hon. Gentleman, which were indeed highly inauſpicious to this country, ſhould the Right Hon. Gentleman, as his rank and abilities highly entitled him to, ever become the Miniſter of it.

He made a direct and pointed appeal to Mr. Dundas, deſiring him to come forward and avow the reaſons why he had changed his opinion on the Rohilla war, if it were true he had changed it, or if he continued ſtill to conſider it in the light he formerly did, to explain his motives for reſiſting the vote that was now propoſed to be paſſed upon it. Such contradictions and ſuch inconſiſtencies could not be ſuffered to eſcape in ſilence, and reſpect for the Houſe and his own reputation called upon the Right Hon. Gentleman to clear them up. Did he intend to ſay, that the former meaſure, propoſed by him in perſon, was in itſelf a ſufficient puniſhment for the enormity of the tranſaction,

or did he mean to adopt the doctrine of a *ſet off*, which had been ſo much relied upon, but which a learned Gentleman had ſo very ably and ſo juſtly endeavoured to explode? An Hon. Gentleman (Mr. Wilberforce) had made an attack on his Noble Friend in his abſence, and had made obſervations on the very circumſtance of his being abſent, as if it was ſo by deſign; the Hon. Gentleman might have taken the opportunity of the Noble Lord's preſence to have made his ſtrictures, for the Noble Lord had been preſent that day and the preceding, and on each of thoſe days had been ready to give his vote, had the debate come to a concluſion. It was peculiarly hard upon his Noble Friend to be the ſubject of cenſure in his abſence, becauſe he was, on all occaſions, ready to meet it boldly and fairly, and was never backward in giving an anſwer when called upon. The Houſe ought, he ſaid, to be peculiarly cautious as to their preſent vote, for as his learned friend (Mr. Anſtruther) had obſerved, it would remain as a ſtanding document for future Governors of the ſenſe of Parliament on the ſubject of Eaſt-India politicks, and they would, on all occaſions, adopt the principle of it. If the Houſe declared the conduct of Mr. Haſtings in the proſecution of the Rohilla War to be wrong, they would ſee the neceſſity of avoiding a ſimilar conduct; if the Houſe declined to make ſuch a declaration, they would think themſelves at liberty to imitate it. But it ſeemed it was not upon the ſyſtem lately adopted for the government of India, that dependence was to be placed for its upright adminiſtration. It was on the confidence repoſed in the perſonal character of the noble Earl who had lately been appointed to the command in Bengal. He deſired to know if that ſhould happen, which he was certain was highly improbable, though by no means impoſſible, that the noble Earl ſhould diſappoint the golden promiſe, and follow a line of conduct oppoſite to that which was expected from him, what was to be done? Were they to puniſh that in Lord Cornwallis, which in Mr. Haſtings they ſuffered to paſs unpuniſhed? Certainly no.—Great ſtrictneſs and attention was the more neceſ-

ſary on the part of Parliament, inſomuch as the general ſyſtem was crude and impotent. A noble Earl (Lord Mornington) had thought proper to throw out ſome very harſh expreſſions on the Bill he had had the honour to introduce for the government of India. For his own part, he ſaw every day more and more clearly the neceſſity there was for that Bill, and ſo well was he convinced of it, that he declared he ſhould not have wiſhed to continue in his office, as Miniſter, after it had been rejected.—He had never been at eaſe until he brought it in, and he had conſtantly regretted the delay which had attended its introduction. He entered at large into the queſtion of the Rohilla War, which he pointed out as marked with the utmoſt barbarity, treachery, and depravity, as well in its principle as in its conduct.—As to the guarantee that had been alledged, he laughed at the idea, and ſaid that we might as well call upon Mr. Oſwald and Mr. Franklin, who atteſted the treaty of Paris, to guarantee the execution of that treaty, as Sujah Dowlah claim the guarantee of the Eaſt India Company from the atteſtation of Sir Robert Barker. The young ſtateſman (Mr. Greville) was, he ſaid, miſtaken when he declared that treaties were never atteſted; that which he had juſt mentioned was an inſtance of the contrary. After dwelling for a long time on the general ſubject of the Rohilla War, he came particularly to the event of that war, the extermination of the people.—It had been, he ſaid, pretended that the whole of the people were not exterminated, but only thoſe who were in poſſeſſion of the lands, the government, and the revenue; and that even they were only ſent beyond the Ganges. To bring this matter nearer to the conceptions and imaginations of Gentlemen, he put a caſe of a foreign State, making an invaſion in Ireland, and conquering the country. What conſtruction would be put on the conduct of the conquerors, if they ſhould pretend to look back into the hiſtory of Ireland, and reſolve to baniſh from the country all thoſe whoſe anceſtors had come from England? They might affect to think, that thoſe who had gone over under the firſt adventurers, were

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but uſurpers, and ſtill more eaſily might they juſtify their oppreſſion of thoſe who had followed the arms of Cromwell, whom, no doubt, they would, for their own purpoſes, ſtigmatize as the moſt odious and unprincipled tyrant that ever exiſted. At all events, in either inſtance, whether extirpating the leading people could be juſtified or not, it could only be ſo on the principle of reſtoring their poſſeſſions to the original proprietors. This was not the caſe in the inſtance before the Houſe, for the lands were beſtowed upon the Nabob, and not left to the people who remained in the country. Beſides, the pretence of Mr. Haſtings for beginning the War was evidently falſe. He alledged that his object was the recovery of 400,000l. for the Vizier.—Did he recover that money for the Vizier? No. But with a fraud equal to the injuſtice of the war itſelf,—inſtead of ſuffering the ally, from whom he had taken up arms, to enjoy it, he had laid his hands upon it himſelf, and converted it to the uſe of his employers. The tranſactions in this country ſince the Rohilla War, could by no means ſtand as an argument to check the enquiry into that proceeding. The re-appointment of Mr. Haſtings, for inſtance, had taken place at a time when the circumſtances of that war were not properly known or underſtood in that Houſe—for an Honourable Gentleman (Mr. Wilberforce) had made a ſimilie between the Rohilla War, and the American War; yet he muſt take upon him to ſay, that the ſimilie would not hold, for there was no compariſon between the notoriety of the two; ſo far from it, that he could venture to ſay, ſince the Hon. Gentleman had a ſeat in that Houſe, (at the general election before laſt) the ſubject of the Rohilla War had never been diſcuſſed in Parliament, except when brought forward from the Secret Committee, by the Right Hon. and Learned Gentleman.—As to the boaſted Mahratta peace, he muſt ſay, it was by no means, in his idea, entitled to the panegyric that had been beſtowed upon it.—The Mahratta War itſelf was wantonly and treacherouſly begun on the part of Mr. Haſtings, by the breach of the Treaty of Poorunda; and no

termination of ſuch a war could atone for the baſeneſs of its commencement, much leſs while the Company's affairs were left in a worſe ſituation after the concluſion of the peace, than they were previous to the beginning of the war. Therefore, even were the miſerable doctrine of a *ſet-off* to be eſtabliſhed—that ſervice could not be admitted as ſuch; for it was but an imperfect remedy for a very great and enormous offence. The thanks of the Eaſt-India Company for that peace were by no means to ſtand in the way of Parliament, whoſe duty it was to judge for themſelves. In their enquiry, they were to proceed upon their own knowledge of the circumſtances of the caſe, nor to be precluded from doing ſo, by either their own reappointment of Mr. Haſtings previous to their being fully informed on the ſubject of the Rohilla War, nor by the approbation of the two Courts of the Eaſt-India Company, that of the Directors and Proprietors, (nor of, it was to be obſerved, that war, but) of a tranſaction entirely different. If the Houſe refuſed to comply with the preſent Motion, they would contradict the reſolution of 1782, moved by the Chairman of the Secret Committee; in which caſe, the only way for the Houſe to avoid the moſt ſhameful and diſgraceful ſtigma of recorded inconſiſtency, would be by eraſing from the Journals that Reſolution.

Mr. Dundas. Mr. *Dundas* began his reply with admitting, that Mr. Fox's animadverſions upon him were warranted by the circumſtances in which he ſtood, and the tranſactions that had paſſed. He had moved the Reſolution of 1782, and he ſtill retained the ſentiments he then expreſſed concerning the Rohilla war, but he had not at that time entertained any idea of ſubjecting Mr. Haſtings to a criminal proceeding. He had moved for his recall avowedly on grounds of expediency, becauſe Mr. Haſtings appeared to have loſt the confidence of the native Princes of India, and becauſe there was thence reaſon to imagine, that Mr. Haſtings could not continue to hold the Government of India with any advantage to the Company, or any credit to Great-Britain. He conſidered it, he ſaid, as ſingularly unfortunate for him

him to have his conduct in 1782 mentioned in an invidious manner, by the Hon. and learned Gentleman who ſpoke laſt, when he could not but recollect, that the Hon. and learned Gentleman was the perſon who, though a Member of that Houſe in 1782, had gone to the General Court of Eaſt-India Proprietors, had put himſelf at their head, and had perſuaded them to refuſe to comply with the Reſolution for the recall of Mr. Haſtings. Many Gentlemen might recollect the extraordinary zeal with which the recall of Mr. Haſtings had been oppoſed in the Court of Proprietors, and that not only on the grounds of reſiſting the interference of Parliament, but by arguments drawn from the great ability, juſtice, and ſalutary effects of his adminiſtration. Among thoſe who ſtood forth on that occaſion, Mr. Anſtruther, whoſe name he would take the liberty of mentioning, as being at that time a Member of the Court of Proprietors, was peculiarly ſtrenuous; and, together with Mr. Dallas, and others, publiſhed his ſpeech for the information of the public*. Thoſe ſpeeches were ſtill for

* The following is what the Honourable and Learned Gentleman alluded to.—Extract from Mr. Anſtruther's ſpeech on the 24th of October, 1782, at a Court of Proprietors:—" He obſerved, that no character had ſo undergone the ſcrutiny which Mr. Haſtings's had done. It had ſtood the teſt of two Committees of the Houſe of Commons *ſurely not favourably diſpoſed to Mr. Haſtings*, where he had been tried and condemned, but where he had not been heard. It had ſtood the teſt of a long enquiry before the Court of Directors, and it was univerſally admitted by his enemies as well as his friends, that he was poſſeſſed of thoſe two eſſential requiſites for a Governor, undoubted ability, and undoubted integrity. He called upon the Directors to produce the man, who after ſo ſevere a ſcrutiny preſerved ſuch a character, that the Proprietors might fairly judge between them. To ability and integrity, Mr. Haſtings added what ſcarcely any one but himſelf poſſeſſed, a long experience in the Company's affairs, a perfect knowledge of the views, intereſts, and relative ſituation of the different native powers.—He knew them and they knew him. Was this a moment, when the Empire was convulſed from one end to the other, to recall a man, who to ability joined integrity and magnanimity, and a perfect knowledge of every matter which his ſitua-

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extant; but the Hon. and learned Gentleman, it appeared, had not refreſhed his memory by a recent peruſal of that which he had himſelf delivered; if he had, he would there have learned,

" tion required him to know? A late Miniſtry had recalled a great naval " Commander in the hour of victory and confidence. Were the Direc- " tors determined to prove to the world, that there was no act, however " abſurd and ridiculous, which they could not outdo?—A great deal had " been ſaid about the Benares buſineſs: He could not diſcover any word in " the Charge againſt Mr. Haſtings, however vague, under which it could " be included. He ſaid he might give this general anſwer both to this af- " fair and the ſtory of the old woman and the eunuch (introduced by Ge- " neral Smith, and ſo fully anſwered by Governor Johnſtone) and all other " ſtories alluded to in the debate: they proved one thing, however, com- " pletely to his ſatisfaction: they pointed out in the ſtrongeſt manner, the " miſerable ſhifts to which the enemies of Mr. Haſtings were reduced in " order to ſupport the Reſolution for his removal. He had not ſaid thus " much, however, *becauſe he thought the Benares buſineſs leſs defenſible than* " *any other part of Mr. Haſtings's conduct.* That as far as he could learn " from verbal information, or from books, it had been the uniform practice " and the ſettled law of the Mogul Empire, to exact ſums of money and " bodies of troops from their territories over and above the ſtated annual " tribute, whenever the exigencies of the ſtate and the general welfare of " the whole required it. If this was true, and he had not heard it denied, " the conduct of Mr. Haſtings was perfectly defenſible. The rights of the " Moguls over the Rajah of Benares, were transferred to us completely as " they poſſeſſed them, and Mr. Haſtings did nothing but what was entirely " conſonant to the uſage of the country, in demanding an additional ſupply " from Cheyt Sing, at a time when the general ſafety of the empire called " for it. But if he ſhould admit for a moment that this inſtance (and he " only admitted it for the ſake of argument) was not ſtrictly defenſible, he " challenged his adverſaries to aſſert that his conduct had been actuated by " any ſiniſter motive. In a moment of difficulty, when a ſupply of trea- " ſure was abſolutely neceſſary for the exiſtence of the Company, at a mo- " ment of ſtate neceſſity, he called for a ſupply which he thought he had " a right to demand, and had riſqued his life in the cauſe. He had nar- " rowly eſcaped aſſaſſination, and after this was he to be puniſhed with a " recall? Nor would even his recall ſatisfy the violence of his enemies, " unleſs the men who had baſely attempted to aſſaſſinate him, and who had " actually murdered his ſuite, were reſtored to wealth and honour."

that

that Mr. Haſtings's diſobedience to the vote of that Houſe had been no crime; and that inſtead of being guilty of the oppreſſion and tyranny he now imputed to him, his government had been mild, juſt, and upright. Mr. Dundas ſaid, at that time many ſevere reflections were caſt upon his conduct at the General Court, and his name was grinded daily by ſome one or other of the Proprietors. Happy he was, that the ſame could not be the caſe now. The Hon. and learned Gentleman would not ſurely complain of the Rohilla war there, and commend it in another place. Having urged this with ſome emphaſis, and held up Mr. Anſtruther's conduct in 1782, as an Eaſt-India Proprietor, as directly the reverſe of the language he had held that day, as a Member of Parliament, Mr. Dundas took notice of the difference of opinion that had been alluded to, as ſuppoſed to exiſt among the Members of the Board of Controul, on certain Eaſt-Indian topics. Reſpecting the Rohilla War, the opinion of his Right Hon. and Noble Friends, [Mr. Grenville and Lord Mulgrave] he ſaid, he was free to acknowledge, differed from the opinion he entertained upon that ſubject; nor was that the only difference of opinion among them, but this he could aſſure the Hon. and learned Gentlemen, that their ſentiments had been uniformly ſimilar, reſpecting the buſineſs that came before them, as matters to be decided on for the future; and it was merely about paſt tranſactions that they did not think alike. He could give the Hon. Gentleman, therefore, but little hopes of deriving any great comfort from the wiſh he might feel, that they did not cordially co-operate. He next adverted to what had fallen from another Hon. and learned Gentleman, [Mr. Hardinge] reſpecting his notions of public and private morality, and ſaid, though he could not but applaud the Hon. and learned Gentleman's ſentiments on that ſubject, he feared they were merely theoretical, and that the experience of ages proved that they were not eaſily reducible to practice. State policy was the grand rule, he obſerved, by which the Sovereigns of powerful nations generally governed their public conduct,

and

and upon a reference to almoſt every war that had been commenced between one rival kingdom and another, it would be found that ſtrict morality was little adverted to, and that from neceſſity. The war before the laſt, between Great-Britain and France, had been begun by our ſeizing ſome French ſhips, an action which, if nicely ſcrutinized, would, he feared, not be held remarkable for its morality. The policy, therefore, of any great meaſure was the grand conſideration to be adverted to, and unleſs the meaſure was found to be notoriouſly and flagrantly unjuſt, the expediency of it was generally deemed a ſufficient juſtification. Having argued this very ably, Mr. Dundas went more immediately into a diſcuſſion of the queſtion. He obſerved, that he ſtood in a very ſingular predicament with reſpect to all tranſactions in India. Having taken a public part in that Houſe ſome years ſince, as Preſident of the Secret Committee, which, upon the ſpur of a diſaſter, had been appointed originally to enquire into the affairs of the Carnatic, but which afterwards found it neceſſary to extend its inveſtigation, and applied to the Houſe for its proper powers, his opinions were known, and ſome of them recorded on the Journals. His ſituation, therefore, at the Board of Controul, was ſomewhat aukward. If ever he ſhould ſanction a meaſure repugnant to the principles he had formerly laid down in that Houſe, the Houſe would be able to judge how far his conduct was juſtifiable, by any new circumſtances that might have ariſen, and if they could not be ſo juſtified, would have a right to charge him with inconſiſtency. He was prepared, however, for the preſent to meet a very ſtrict and rigid inquiſitor in the perſon of the Right Hon. Gentleman, who no doubt would compare and put together every part of his conduct, in ſuch a manner as to render it as cenſurable as poſſible; but he comforted himſelf by reflecting, that the time might come when even that Right Hon. Gentleman's acrimony would be meliorated, and thoſe principles that he now ſo violently reprobated, become objects of his compaſſion, nay even of his panegyric. For, however irritable the Right Hon. Gentleman

tleman was in his political character, it was well known that he was as eaſily pacified and reconciled. Mr. Dundas put this very pointedly, though accompanied with conſiderable pleaſantry, and then went into a ſeries of reaſoning on the particular queſtion before the Houſe. He ſtated that the Rohilla War was an unjuſtifiable meaſure, but it was not more ſo now than it had been nine years ago. Since the period that it occurred, an Act of Parliament had been paſſed, re-appointing Mr. Haſtings Governor-General of Bengal. That Statute, therefore, might be conſidered as a Parliamentary pardon, and unleſs ſome freſh circumſtances of an aggravating nature had recently come to light, he ſaw no reaſon for calling Mr. Haſtings to account for a tranſaction which the Houſe had ſo many years ago, tacitly and by implication, conſented to paſs over. He dwelt on the eſſential ſervices Mr. Haſtings had rendered his country in the later periods of the War, and ſpoke of him as the Saviour of India. He reminded the Houſe, that a great variety of treaties with the native Princes of India had been negociated by Mr. Haſtings, and concluded under his auſpices. He appealed, therefore, to the good ſenſe of the Houſe, whether the impeachment of Mr. Haſtings might not at this time be attended with conſequences in India much more ſerious and alarming than any advantage that could be expected to reſult from making him an example of Parliamentary vengeance, could compenſate. He dwelt on this for ſome time, and added a great variety of arguments to prove, that as in 1782, neither he nor any of the Members of the Secret Committee, had an idea of ſubjecting Mr. Haſtings to a criminal proceeding, there could be no reaſon for his adopting new opinions in compliment to the Right Hon. Gentleman who moved the Charge.

Mr. *Fox* in his reply expreſſed much indignation at the manner in which Mr. Dundas appeared to him to have evaded the queſtion, and charged him with having dealt moſt uncandidly with his Right Hon. Friend, whom he had limited to the narrow period of a ſingle year (1781) as the time in which alone Mr. Haſtings's Mr. Fox.

Haſtings's conduct was liable to parliamentary inveſtigation, and parliamentary cenſure. He compared the conduct of Mr. Dundas, reſpecting Mr. Haſtings, with the conduct of Mr. Burke on the ſame ſubject. The one, he ſaid, [Mr. Dundas] had come down to that Houſe in the abſence of Mr. Haſtings, and moved a ſlanderous and calumniatory Reſolution, branding the Governor-General, in the moſt grave and weighty terms, with having been guilty of iniquity, and when the only opportunity offered for Mr. Haſtings to defend himſelf, he flew off from the charge, and refuſed to ſtand forth the accuſer of the perſon he had ſtigmatized, and thereby afford him an opportunity of entering on his defence.—How different had been the conduct of the other! His Right Hon. Friend had acted with his uſual manlineſs and ſpirit; he had come forwards firmly and fairly with his accuſation, and had put it upon Mr. Haſtings to refute the charge and manifeſt his innocence.

nſtru- Mr. *Anſtruther* began by remarking, that he was ſurpriſed to find himſelf charged with having ſtated any thing invidiouſly to the Right Hon. Gentleman, in alluding to the Reſolutions on the Journal; nothing was farther from his idea; he thought, when he firſt ſpoke, what he now found to be true, viz. that the Right Hon. Gentleman would adhere to the principles contained in the Reſolution. He was ſurprized, indeed, that there ſhould be found two other Members of the India Board, who held principles directly the reverſe, and of that he had expreſſed his aſtoniſhment. He ſhould leave it to the Houſe, to determine how far the principles of the Reſolution had been followed up; and he ſhould alſo leave it to them to compare the Right Hon. and learned Gentleman's paſt, with his preſent conduct; his former ſpeeches, with the one they had juſt heard. But he was much aſtoniſhed to hear the Governor General's re-appointment by the Acts of Parliament mentioned and inſiſted on as a parliamentary pardon. If this was true, theſe Acts were juſt as complete pardons in the year 1782, as in the year 1786. Yet at that period, the Right Hon. Gentleman had

had not heſitated to cenſure, to accuſe, and to criminate Mr. Haſtings. Was he accuſing a perſon who was pardoned, and criminating one whoſe offences were done away? If the defence now inſiſted on had any foundation, the Reſolutions were nothing more than ſo many libels on Mr. Haſtings.

With regard to himſelf, it was true, as an Eaſt-India Proprietor, he had oppoſed the re-call of Mr. Haſtings; and, in the ſame circumſtances, he would again act in the ſame way. In that inſtance, the Houſe had aſſumed a power, to which, as he conceived, it had no right—the Houſe had a right to preſcribe the principles on which Public Bodies were to conduct their affairs, but had no right to direct or command this or that particular Act. If the Houſe had a right to order the re-call of Mr. Haſtings, they had the ſame right to order the appointment of his ſucceſſor. He could not draw the line, between ſuch an exerciſe of power, and the aſſuming at once into the hands of the Houſe of Commons, the appointment of every ſervant of the Eaſt-India Company. He obſerved, that the principal ground inſiſted upon for the re-call of Mr. Haſtings at that time, was the Marratta war; and ſaid, he could not then, nor would he now, voté for the recall of Mr. Haſtings on that ground. He was ſatisfied that no degree of the blame of that war lay at the door of Mr. Haſtings. It was the war of the Court of Directors, who had both authorized and juſtified a breach of the Treaty of Poorunda. He would not recall Mr. Haſtings for the faults of the Court of Directors. Another principal ground of the recall of Mr. Haſtings, was his having paid a ſum of money to the Rajah of Berar; he could ſee no blame in that tranſaction; he thought it, in the then circumſtances of affairs, wiſe and prudent; upon it depended the ſucceſs of a meaſure, which, he agreed with the Right Hon. Gentleman, was the moſt praiſe-worthy of Mr. Haſtings's actions—he meant the march of Colonel Pearce's detachment. He maintained, therefore, that there was no inconſiſtency in refuſing to recall Mr. Haſtings for offences, of

which he did not think him guilty, and conſenting to condemn him now for thoſe things, of which he was guilty.

Mr. Dundas. Mr. *Dundas* anſwered both Mr. Anſtruther and Mr. Fox, denying that his argument of that day was obnoxious to the charge of inconſiſtency, or that any part of his conduct had been inconſiſtent.

Mr. Burke. Mr. *Burke* thanked God, that the Reſolutions of 1782, that ſtood on the Journals, amply juſtified him. If they had not, he ſaid, he felt the ſituation in which the Right Hon. and learned Gentleman's conduct would have placed him. He repelled the argument that Mr. Haſtings's re-appointment to the office of Governor-General, in 1780, was a parliamentary pardon, and appealed to the common ſenſe of every man who heard him, whether Mr. Haſtings had pleaded that ſort of pardon in bar of any farther proceeding? Had he not, on the contrary, appeared indignant, and proudly angry at what had paſſed? Had he not talked rather in the ſtyle of their maſter, than as a culprit before them? Had he not vomited forth the proffered pardon in their faces, and boldly and loudly demanded reparation for his injured honour? Mr. Burke purſued this animated ſtrain for ſome time, and was laughably ſevere on the new Board of Controul and its members, who, he ſaid, by rubbing againſt each other, juſt as the old Scotch proverb ſaid, "the pigs love by "ligging together," would generate affection, and become cordial friends, however adverſe their ancient opinions, however hoſtile their former political ſentiments. The Right Hon. and learned Gentleman had, he ſaid, pretended to palliate the ſhameful barbarity of extirpating the Rohillas, by arguing that only a part of them, and thoſe ſtrangers and intruders, had been removed—but the place where a man's anceſtors had ſettled and fixed their reſidence, became, he ſaid, to all intents and purpoſes, his home, and it was as great an act of injuſtice to remove him from thence, as if it had been his by the moſt remote and ancient poſſeſſion. His Right Hon. Friend had inſtanced

ſtanced this by an example from Ireland, and he would illuſtrate it by one more likely to impreſs the fallacy of the learned Gentleman. He wiſhed to know whether the learned Gentleman would be ſatisfied by a law for removing every Scotchman and the deſcendants of Scotchmen back to the other ſide of the Tweed—or whether he would be inclined to conſider it in that inſignificant and trifling light, in which he ſeemed to look upon the removal of the unfortunate Rohillas beyond the Ganges. He could, he ſaid, hardly have expected to find ſuch an oppoſition, and from ſuch a quarter, to his Motion; but he was determined to perſevere to the utmoſt of his ability; and was determined, if the Motion were negatived, in juſtice to himſelf, and to leave behind him a record, that neither motives of party, nor private animoſity, as had been inſinuated, had governed his conduct, move the ſeveral facts on which it was founded, as truiſms, in ſeparate Reſolutions, in order that they might remain on the Journals, for his juſtification.

Mr. *Strachey* roſe, and ſaid, that the Committee muſt not ſuppoſe, that he meant at that late Hour in the morning, to preſume to offer any opinion or arguments of his upon the important queſtion, that had received from the ableſt men in the Houſe ſo complete a diſcuſſion; that he only wiſhed to trouble them with a few words, upon a ſubject rather foreign from the queſtion before them; for that in truth, he ſaw no analogy between the caſe of the late Lord Clive and that of Mr. Haſtings: that he could not bear to hear reflections thrown upon the name and memory of that great man, ſo dear to himſelf as an individual, and ſo eminent for his ſervices to his country; that a learned Gentleman [Mr. Hardinge] had aſſerted that Lord Clive had taken bribes, and that a Right Hon. Gentleman [Mr. Fox] had aſſerted, that Lord Clive had committed great crimes; that theſe expreſſions had, perhaps, been haſtily, he was ſure they were unjuſtly uſed; that he begged leave to call to the recollection of thoſe Gentlemen, and of the Houſe at large, what Mr. Strachey.

was the caſe of his deceaſed friend, and what was the charge, the only charge, exhibited againſt him; that the charge was, that the noble Lord in the year 1756, upon the reſolution againſt the tyrant Suraja Doula, did, through the influence of the power with which he was inveſted as Commander in Chief, obtain a certain ſum of money, and that in ſo doing, he had abuſed the power with which he was intruſted—that this was the whole of the charge—here were the bribes he had taken—here the great crimes he had committed. That this motion of charge had been grounded upon an abſtract propoſition voted the week before, expreſsly for the purpoſe, that all acquiſitions made under the influence of military power, belonged to the State. That although the Houſe voted that abſtract propoſition, they revolted at the idea of applying it to the caſe of a man, who had performed ſuch ſignal ſervices; who at the time of acquiring his own fortune at the head of an army (when he might honourably have acquired ten times more than he did) had reſcued the Eaſt-India Company and the whole ſettlement of Bengal from abſolute bankruptcy; who had obtained indemnification to the Company for all their loſſes in the war, to the amount of no leſs than one hundred lacks of rupees; who had received the warmeſt acknowledgments from his employers for the ſervices he had done them; nay, who had received their explicit approbation of the fortune he had at the ſame time acquired for himſelf; and who had, moreover, remained in quiet poſſeſſion of that fortune for above ſixteen years. That the Houſe upon theſe grounds rejected the motion of cenſure, by a very large majority; and the reſult of the whole enquiry proved, that the only crime Lord Clive had committed was, that in the year 1756 he did not know what Parliament itſelf did not declare until ſixteen years after, that money obtained by a military commander, at the head of a victorious army, and confirmed to him by the ſtate he had ſerved, belonged to that ſtate and not to himſelf.

Mr. *Martin*, in a ſpeech of a few words, declared what he had heard that day, and the day preceding, had conſiderably altered his opinion reſpecting Mr. Haſtings, and he ſhould vote for the queſtion. Mr. Martin.

The Committee then divided, when the numbers were,

Ayes	—	—	67
Noes	—	—	119

The Committee was then adjourned to Monday ſe'nnight, and the Houſe roſe immediately, it being *half paſt* SEVEN o'clock in the morning.

FINIS.